



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

DR. TIM BORING
DIRECTOR

Decision Regarding Silver Creek Poultry Farm Siting Appeal

On July 26, 2023, the Michigan Commission of Agriculture and Rural Development (MCARD), in accordance with Commission Policy 10, Paragraph D, heard information and comments related to the Silver Creek Poultry Farm siting appeal. On March 1, 2023, the Michigan Department of Agriculture and Rural Development (MDARD) Right to Farm Program received an application for siting a new livestock facility. On May 8, 2023, MDARD determined that the proposed livestock facility conformed to the 2023 Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs). On June 19, 2023, MDARD received an appeal of its determination. The appeal packet was sent to MCARD Commissioners on June 19, 2023, to their State of Michigan email address, but upon investigation it is not clear if commissioners received the email due to the size of the attachment.

During the July 26, 2023, meeting, MCARD received a presentation from MDARD Right to Farm Program, public comment from citizens concerned with MDARD's siting decision, and a presentation from the panel of recognized professional experts appointed to review MDARD's siting decision. During the public comment period, at least one of the Commissioners indicated that they had not reviewed the appeal packet submitted to MDARD by the appellants. During the July 26, 2023, meeting, the Commissioners determined that they needed additional time to review the information submitted by the appellants prior to issuing a recommendation.

Commission Policy 10, Paragraph D.5 requires that I issue a written final decision regarding the site suitability determination within 14 days of MCARD's recommendation or submission. To ensure that the Commission has reviewed all relevant information prior to making its recommendation, I am issuing this written decision extending the time for the Commission to consider this matter until August 14, 2023, when the Commission will hold a special meeting to make its recommendation. I will make a final decision regarding the site suitability determination within 14 days of the August 14, 2023, special meeting.

A handwritten signature in black ink that reads "Tim Boring".

Tim Boring
Director

July 28, 2023
Date



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

DR. TIM BORING
DIRECTOR

NOTICE OF SPECIAL MEETING

**MICHIGAN COMMISSION OF AGRICULTURE
AND RURAL DEVELOPMENT**

August 14, 2023

Chairman Andrew Chae has called a special meeting of the Michigan Commission of Agriculture and Rural Development to be held on Monday, August 14, 2023. The special meeting is being called to address the Appeal of the Generally Accepted Agricultural and Management Practices Site Suitability Determination for Silver Creek Poultry, LLC and is scheduled to begin at 10:30 a.m. The meeting is open to the public and this notice is provided under the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. The Commissioners will be meeting at Constitution Hall Atrium Level, Con-Con Conference Room, 525 West Allegan Street, Lansing, Michigan. This meeting is also being conducted electronically to allow for greater remote public attendance and participation. To join the meeting via Microsoft Teams: by telephone dial: **1-248-509-0316** and enter the Conference ID: **525 912 402 #** or by video conference visit www.michigan.gov/mdard/about/boards/agcommission to join the day of the meeting.

In accordance with the Commission's Public Appearance Guidelines, individuals wishing to address the Commission during public comment may pre-register to do so as noted below and will be allowed up to three minutes for their presentation. Documents distributed in conjunction with the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment.

To pre-register to speak in-person or virtually during this meeting, individuals should contact the Commission Assistant **no later than Wed, Aug 9, 2023**, via email at MDA-Ag-Commission@michigan.gov and provide their name, organization they represent, address, and telephone number. You may also contact the Commission Assistant at that email address to provide input or ask questions on any business that will come before the Commission at the meeting. The Commission Chair will call upon each person by name and/or telephone number when it is time for them to speak and there will be a meeting moderator facilitating participation. All others who did not pre-register and wishing to speak will be provided two minutes to do so. Instructions on how to be recognized will be provided at the beginning of the meeting.

Those needing accommodations for effective participation in the meeting should contact the Commission Assistant at 800-292-3939 one week in advance or may use the Michigan Relay Center by calling 711 for deaf, hard of hearing, or speech-impaired persons.

Tim Boring
Director

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

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

Option to Join via Remote Technology
Dial: 1-248-509-0316; Conf. ID 525 912 402#

August 14, 2023 Special Meeting TENTATIVE AGENDA

- | | | |
|------------|----|---|
| 10:30 a.m. | 1. | Call to Order and Roll Call |
| | 2. | Approval of Agenda (action item) |
| | 3. | Approval of Minutes from the July 26, 2023, Commission of Agriculture and Rural Development Meeting (action item) |
| | 4. | Next Scheduled Meeting (information only) <ul style="list-style-type: none">• September 20th, 2023 |
| 10:35 a.m. | 5. | Commissioner Travel (action item) |
| | 6. | Motion to Amend Action taken at July 26, 2023, Commission meeting (action item) |
| 10:40 a.m. | 7. | Public Comment
In accordance with the Public Appearance Guidelines in the Commission Policy Manual, individuals wishing to address the Commission will be allowed up to three minutes for their presentation. Documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment. |
| | 7. | Appeal of the Generally Accepted Agricultural and Management Practices Site Suitability Determination for Silver Creek Poultry, LLC: (information only) |
| | 8. | Commission Discussion and Recommendation (action item) |
| | 9. | Adjourn (action item) |

MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

MSUFCU Headquarters #2
3899 Coolidge Rd
East Lansing, MI

Option to Join via Remote Technology
Dial: 1-248-509-0316; Conf. ID 598 640 912#

MEETING MINUTES July 26, 2023

PRESENT:

Andy Chae, Chair, Michigan Commission of Agriculture and Rural Development
Juliette King-McAvoy, Michigan Commission of Agriculture and Rural Development
Monica Wyant, Michigan Commission of Agriculture and Rural Development
David Williams, Michigan Commission of Agriculture and Rural Development
Dr. Tim Boring, Director, Michigan Department of Agriculture and Rural Development

CALL TO ORDER AND ROLL CALL

Chairman Chae called the meeting of the Commission of Agriculture and Rural Development to order at 10:37 a.m. on July 26, 2023. Chair Chae called the roll with Commissioners Chae, King-McAvoy, Wyant, and Williams and Director Boring present. Commissioner Wu was absent and excused.

MOTION: COMMISSIONER WILLIAMS MOVED TO EXCUSE COMMISSIONER WU. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.

APPROVAL OF AGENDA

MOTION: COMMISSIONER WYANT MOVED TO APPROVE THE MEETING AGENDA, AS AMENDED FOR JULY 26, 2023. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.

APPROVAL OF MAY 17, 2023, MEETING MINUTES

MOTION: COMMISSIONER WILLIAMS MOVED TO APPROVE THE MAY 17, 2023, MEETING MINUTES. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.

NEXT SCHEDULED MEETING

The next scheduled meeting is September 20, 2023, meeting location and time is currently to be determined.

COMMISSIONER ISSUES

Chairman Chae reviewed a retirement resolution before the Commission recognizing Beth Howell, from the Food and Dairy Division. Ms. Howell joined the commission virtually to be recognized for her service in food safety.

MOTION: COMMISSIONER KING-McAVOY MOVED THE RESOLUTION FOR BETH HOWELL BE ADOPTED. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.

COMMISSIONER COMMENTS AND TRAVEL

Commissioner Williams stated his farm was in full swing with wheat harvest, which also means baling straw.

Commissioner Wyant has been touring sweet cherry growers around the state. She shared she was impressed with the innovation growers have used to expand their industry.

Commissioner King-McAvoy stated cherry harvest is in full swing, and they were experiencing a very large sweet cherry crop. Unfortunately, the State of Washington also had a large crop, so prices are down.

Chairman Chae stated the restaurant industry demand has increased. His farm is experiencing a later growing season, especially tomatoes.

Commissioners Chae, King-McAvoy, Wyant, and Williams traveled to attend today's meeting. There was no other travel submitted for approval.

MOTION: COMMISSIONER KING-McAVOY MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. COMMISSIONER WYANT SECONDED. MOTION CARRIED.

DIRECTOR'S REPORT

Director Boring discussed the recent budget the Governor was expected to sign soon. The MDARD budget saw investments in Rural Development Grant work, Regenerative agriculture, climate resiliency, and emerging contaminants work. The department will be working closely with MSU for more research. The department will focus on specialty crops and the diversity of crops grown by farmers in Michigan. The director had been busy touring different farms, including asparagus and cherry farms. Other members of the executive office have also toured dairy and urban farms around the state.

PUBLIC COMMENT

No public comment on agenda items was requested.

GENERALLY ACCEPTED PROCESSING PRACTICES (GAPPS) – INTRODUCTION OF PROPOSED REVISIONS

Chad Rogers, Deputy Director, and Laura Doud, Environmental Engineer Licensed Specialist, both in the Environmental Stewardship Division, gave an overview of the current GAPPS proposal before the commission. No changes are being proposed this year, however MSU recently sent their recommendation for a new committee chair. Commissioner Wyant asked what the most common complaints to the GAPPS and Ms. Doud stated it is mostly noise and odor complaints. The chair asked how measurements are taken when complaints happen. Ms. Doud said noise complaints will be measured alongside the complainant to assure noise is present while observing. Commissioner King-McAvoy asked how odor was measured. Ms. Doud state odor may be subjective and the Department of Environment, Great Lakes, and Energy Air Quality staff will measure under their rule 901.

PROPOSED UPDATES TO THE COMMISSION POLICIES

Brad Deacon, Director of Legal Affairs and Emergency Management, presented the department's revisions to the Commission Policies. Changes were made to update legal

references and make the document consistent. The Commission will review for any additional changes to be made in September.

AMENDMENT OF AGENDA

MOTION: COMMISSIONER WILLIAMS MOVED TO AMEND THE AGENDA, MOVING THE FOOD AND AGRICULTURE INVESTMENT FUND REQUEST FOR JULY 26, 2023, AFTER THE BUDGET UPDATE. COMMISSIONER WYANT SECONDED. MOTION CARRIED.

BUDGET UPDATE

Sylvia Renteria, Director of Finance and Budget, gave an update on current budget legislation, which is awaiting the governor's signature. The current budget has a \$10.3 million increase to the department. Investments were made to expand the department's focus on regenerative agriculture and climate resiliency. Another investment was to increase research and outreach response for emerging containments. Commissioner Wyant applauded the department's investment in climate resiliency and specialty crops.

FOOD AND AGRICULTURE INVESTMENT FUND REQUESTS:

Jamie Zmitko-Somers, Division Director, Agriculture Development Division, presented an amendment to a formerly approved grant from July 2022, to amend the grant amount to \$20,000. Ms. Zmitko-Somers explained Ethel's Baking Company had experienced an issue with increased cost and supply chain. Commissioner King-McAvoy asked if the funding could be retained for future use. Ms. Zmitko-Somers explained the grants are performance based. Vince Bommarito, from Ethel's Baking Company, attended the Commission meeting virtually to explain their production expansion has been postponed until at least 2024.

MOTION: COMMISSIONER WILLIAMS MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE BASED GRANT AMENDMENT OF \$20,000 FOR ETHEL'S BAKING COMPANY. COMMISSIONER WYANT SECONDED. MOTION CARRIED.

The Commission went at ease, the time being 11:31 a.m.

The Commission was called back to order, the time being 1:00 p.m.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES SITE SUITABILITY DETERMINATION FOR SILVER CREEK POULTRY, LLC – APPEAL PROCESS REVIEW AND SUMMARY OF DEPARTMENTAL ACTIVITIES:

Chad Rogers, Division Deputy Director, and Mike Wozniak, Right to Farm Program Manager, Environmental Stewardship Division, gave an overview of the process regarding the Silver Creek Poultry, LLC voluntary site application that was received in March 2023. The Right to Farm program approved that the site determination did follow the Generally Accepted Agriculture and Management Practices (GAAMPS) in May 2023. The department received three appeals in June 2023, and the director determined one to be accepted. The director asked the Site Sustainability GAAMPS Committee to organize and review the appeal and report to the Michigan Commission of Agriculture of Rural Development. The Commissioners asked questions pertaining to the GAAMPs siting process.

PUBLIC COMMENT ON AGENDA ITEMS

Lauren Wittorp, from Dowagiac Michigan, testified before the Commission.

Shari Lidgard-Pullins, from Dowagiac Michigan, testified before the Commission.

Conni Wittorp, from Dowagiac Michigan, testified before the Commission.

Tom Progar, representing the Michigan for Just Farming System, testified before the Commission.

Kim Korona, representing the Michigan for Just Farming System testified before the Commission.

Discussion was held amongst the Commissioners relative to the appeal. Ms. Wittorp was called back up to discuss the appeal.

The Commission went at ease, the time being 1:30 pm.

The Commission was called back to order, the time being 1:35 p.m.

Erik Peter Oosterwal, testified before the Commission.

Kelly Cromer, from Dowagiac Michigan, testified virtually before the Commission.

Dennis Foote, from Dowagiac Michigan, testified virtually before the Commission.

Dr. Sean Wightma, from Dowagiac Michigan, testified before the Commission.

Beatrice Friendlander, representing the Attorney's for Animals, testified before the Commission.

Shawna Wyngarden, from Dowagiac Michigan, testified virtually before the Commission.

PROFESSIONAL COMMITTEE REPORT – APPEAL OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES SITE SUITABILITY DETERMINATION FOR SILVER CREEK POULTRY, LLC:

Ryan Coffey Hoag, Michigan State Extension Land Use Planning, Chair, Site Selection GAAMP Task Force, described that the role of the committee was to review the site selection application and the appeal and make a recommendation to the Commission. Additional committee members, Sue Reamer, Bruce Washburn and Gerald May, answered additional questions from the Commission.

MOTION: CHAIRMAN CHAE MOVED TO REVISIT THE DECISION OF THE COMMISSION UNTIL THE NEXT MEETING IN SEPTEMBER. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.

ADJOURN

MOTION: COMMISSIONER WYANT MOVED TO ADJOURN THE MEETING. COMMISSIONER WILLIAMS SECONDED. MOTION CARRIED.

There being no further business, the meeting adjourned at 2:49 p.m.

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes May 17, 2023*
- C) *Retirement Resolution for Beth Howell*
- D) *Generally Accepted Processing Practices (GAPPs) – Introduction of Proposed Revisions*
- E) *Proposed Updates to the Commission Policies*
- F) *FY Budget Presentation*
- G) *Food and Agriculture Investment Fund Grant Request for Ethel's Baking Company.*
- H) *Professional committee report – appeal of the Generally Accepted Agricultural and Management Practices Site Suitability determination for Silver Creek Poultry, LLC*

June 19, 2023

To: Dr. Tim Boring, MDARD Director
MDARD Commission
Via email MDA-Ag-Commission@michigan.gov

Via U.S. First Class Mail Certified
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909

**APPEAL FROM MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT'S
SUITABILITY DETERMINATION
DATED MAY 8, 2023
OF SILVER CREEK POULTRY, LLC LIVESTOCK PRODUCTION FACILITY SITING REQUEST
*Submitted by Protect Sister Lakes and Community Members***

Introduction

Protect Sister Lakes and 42 individual appellants, many of whom have dependents living with them, are appealing with deep concerns about the MDARD's May 8, 2023 site suitability determination and approval of Silver Creek Poultry LLC's (51501 Bakeman Road, Dowagiac, Cass County) conformance with the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Facilities (2023), and the GAAMPs for Manure Management and Utilization (2021). We firmly believe that the Michigan Department of Agriculture and Rural Development (MDARD) has failed to apply, and has improperly applied, the GAAMPs in their acceptance of Silver Creek's application for review, and in their evaluation MDARD was missing crucial information - which it failed to obtain - and improperly applied for approval of this project. MDARD should not have approved this siting request under the GAAMPs and Michigan's Right to Farm Act (MCL 286.471 et seq.). We further believe that since the approval of the March 1, 2023 Siting Application on May 8, 2023, Silver Creek may have begun conducting earth-moving activities in a different location at the site that what was proposed, raising concerns that the application, legal notices, setbacks, well water, odor, and mortality estimates, and approval are untethered to Silver Creek's actual activities. We request that MDARD withdraw its May 8, 2023 suitability determination and deny Silver Creek LLC's Siting Application. We file this appeal in a timely manner pursuant to the extension granted. See Exhibit 1 (MDARD email granting extension of appeal deadline).¹

Topical outline of the appeal

1. Description of the area and community
2. FOIAs
3. Site suitability determination

¹ An exhibit list is provided at the end of this appeal. Exhibit page references are to electronic PDF page numbers.

4. Site “not acceptable” for livestock production and not a Category 2
5. Deficiency of notice
6. GAAMPs’ “additional considerations” not met
7. Odor control
8. Manure management and system plans
9. Land application
10. Mortality management
11. Road and transportation issues
12. General information on egg layer operations and the history of egg layer operation violations in Michigan
13. Community member statements
14. Conclusion

1. Description of the area and the community

Sister Lakes is a picturesque resort community in southwest Michigan with ten fresh, clean-water inland lakes in a five-mile radius that provide residents and tourists access to watersports and activities surrounded by beautiful family farms that host family-friendly activities during harvest seasons. Many of our families have lived here for decades and across multiple generations. The area is home to the Pokagon Band of Potawatomi Indians, which are deeply involved in the community including conservation projects and cultural events near the proposed site and manure application sites. There are approximately 51 landowners within a half mile of the proposed Silver Creek site that choose to call Sister Lakes home because of the family farms, outdoor recreation, and access to clean air and water (Exhibit 2). The 5 Mile Drive-In Theatre, Lutz’s Drive- In Diner, and Revival Wedding Barn are destinations within close proximity to the proposed facility where terrible odors would utterly destroy the economic viability of these businesses. We also have 2 adult care homes nearby to the proposed facility. Our entire community depends on well water for drinking water, and for decades our community has expended countless dollars and hours of public and private resources in protecting our water from degradation.

2. FOIAs

For the last several months, we have filed numerous Michigan Freedom of Information Act requests with MDARD, EGLE, Cass County, and Silver Creek Township in an effort to get information about Silver Creek’s application. We have received no acknowledgement of our request from the County. Weeks ago, we were charged \$100 from the Township for a FOIA, and on June 16th, we finally received 99 pages of hard copy documents, which we are attempting to review and distribute to our community. For MDARD, we have submitted FOIA requests but have not gotten additional information, such as two site inspections clearly referenced in the suitability determination letter, and even after our own communications with MDARD would have been covered by those FOIA requests. MDARD’s first release to us in late March 2023 contained an entirely redacted manure management plan, which MDARD later released in unredacted format on about 4/26/23. MDARD’s second release (4/26/23) was 74 pages (see Exhibit 3) and MDARD’s third release (5/19/23) contained some duplicative documents of the first and second release - but still did not include the two site

inspections. (Select documents in Exhibit 4). EGLE charged us \$22.45 for records on the grounds that EGLE incurred a third party fee to obtain responsive records; we paid the fee, and in return received 2 pages of an EGLE email that we had already received. We file this MDARD Siting Decision appeal still without having the requested and necessary information, and reserve the right to supplement the record when and if we receive information.

3. Site suitability determination is deficient.

MDARD posted a one-line excel spreadsheet on its website as the “site suitability determination” approval; only after public records requests was the public given a copy of the one-page May 8, 2023 site suitability approval letter. Exhibit 5 (MDARD determination). The May 8, 2023 letter does not contain any information on how MDARD reviewed the Site Plan, Manure Management System Plan, and Odor Management Plan, or the many factors and objectives MDARD must consider in evaluating a site selection application. The May 8 letter references subsequent information received, and site inspections on April 26 and May 3, 2023. Despite public requests to MDARD for documentation regarding MDARD’s review, subsequent documentation, and the site inspection documents, no information was released. MDARD’s determination must be supported by competent, material, and substantial evidence, it cannot be arbitrary and capricious, and it cannot result from an abuse of discretion. MDARD cannot show that its determination satisfies these requirements. Nor has any information been provided which shows MDARD considered Michigan’s Natural Resources and Environmental Protection Act (NREPA) in evaluating this application. We believe that if MDARD’s determination is allowed to stand, it would violate the GAAMPS, Michigan’s Right to Farm Law, Michigan Administrative Procedure Law, Michigan FOIA Law, and NREPA.

According to MDARD’s GAAMPs, MDARD’s decision to site a facility can be based on several objectives, including preserving water quality, minimizing odor, working within existing land ownership constraints, future land development patterns, maximizing convenience to the operator, maintaining esthetic character, minimizing conflicts with adjacent land uses, and complying with other applicable local ordinances. Siting GAAMPs p. 1. Also, we have not received any information on the necessary septic and health department well permits that we believe were to be completed prior to allowing the Site Application. There is so little information provided by Silver Creek, and analyzed by MDARD, on these objectives that the application should have been denied.

4. Silver Creek’s Proposed Site is “not acceptable” for new livestock production facilities and is not a Category 2.

Silver Creek Poultry LLC has completely failed to demonstrate the necessary definitions, setback, verification, and mitigation measures to entitle it to Category 2 site classification, and MDARD never should have approved this facility. Neither Silver Creek, nor MDARD, identified or considered site-specific factors, as is required for Category 2 approvals and for the Siting GAAMPs generally. Site selection is a “complex process”, and “each site should be assessed individually in terms of its proposed use.” Siting GAAMPs p. 2 (see also Manure Management and Utilization GAAMPs p. 2 “No two livestock operations in Michigan can be expected to be the same, due to the large number of

variables, which together determine the nature of a particular operation.”)² For example, neither the applicant or MDARD considered some of the concerns we raise, such as the specific concerns of siting the facility on an abandoned gravel mine, the spreading of manure across the watershed in an area where decades of public and private resources have been expended to maintain water quality, the community’s values and business nearby (e.g. a daycare, a church, a wedding reception barn, fire department buildings - including a brand new facility at 51050 Leach Road, and two adult care homes), and a drive-in movie theater).__

Its site plan, odor management plan, and manure management system plan are grossly inadequate in addressing the environmental, social, and economic acceptability of this livestock facility, and MDARD failed to investigate these gaps and improperly applied, or failed to apply, the GAAMPs in reviewing the application. For example, the site plan ignores the impacts and consequences of siting the facility on an abandoned gravel mine, and the increased truck traffic impacts on the community from feed, supply, and manure trucks; the odor management plan ignores the fact that egg layer odor emission factors are different - and much greater - than broiler odor emission factors; and the manure management plan ignores the existing high phosphorus levels in several fields. Additionally, Silver Creek proposed no structural, vegetative, technological, and/or management practices, and MDARD did not require additional information or mitigation measures. These are just a few examples, and more are in this appeal. Consequently, the facility should be determined as “not acceptable” for this site, and the application should have been denied.

By approving a facility where MDARD failed and improperly applied the GAAMPs, MDARD puts the community at great risk to the known public health, environmental, and economic effects of this facility.

5. Category 2 Notice was deficient.

Even trying to apply the Category 2 requirements, MDARD and Silver Creek failed. New Category 2 operations must follow Table 4 setbacks, verifications, and notifications. Site Selection GAAMPs p. 9. Using the number of non-farm residences within a specified distance, Table 4 for new facilities of 250-499 animal units requires a 300 foot property line setback *minimum* when there are 6-13 non-farm residences. This distance may be reduced or increased based upon the Odor Management Plan.

There are several problems with how Silver Creek and MDARD applied Table 4, which only identified six (6) residences within ¼ of a mile. First, the layer barn is not the only source on the property that should be considered, as Silver Creek proposes manure storage and mortality storage on-site - and potentially other structures as well. Second, it is unclear where Silver Creek began its ¼ mile measurement, or where the structures will be sited. See, e.g., Ex. 4 p. __ (text messages asking about moving the site 75-100 feet). Third, non-farm residences within ¼ mile of the manure storage

² Silver Creek and MDARD take the position that information from other Miller-affiliated layer operations is sufficient to address manure nutrient and mortality analyses for Silver Creek. See Exhibit 4 p. 17 (Manure Management System Plan p. 3 .) This position is contrary to the GAAMPs which requires site-specific and individual facility information to review. Nor is any information provided to support this position.

and mortality storage were not even identified. Fourth, because this proposal contains no structural, vegetative, technological, and/or management practices to mitigate impacts, so the ¼ mile *suggested* range of notice to non-farm residences is inappropriate and *at least* ½ mile to 1 mile should have been used. Plus, it is unclear if Silver Creek measured the ¼ mile from the layer barn, where it started this measurement (e.g., north side, center, south side...), the manure shed, the mortality shed,³ the property line. Using those measurements, **we have identified approximately fifty one (51) residences within ½ mile and who will be impacted by this facility and who were entitled to receive notice, but did not**. See Exhibit 2 (List and maps). Additionally, these residences are within the ½ mile distance entitling them to appeal MDARD's decision. Lastly, but very importantly, there is a very small margin of distance here that triggers our legal rights. If Silver Creek only used, and MDARD accepted, simply using a generalized tool like Google Earth to calculate distances, we believe that is wholly insufficient. Only a professional licensed surveyor is qualified to measure setback and notification distances. MDARD should have required this basic condition in order to ensure accuracy, especially when it comes to our legal rights.

Additionally, Silver Creek asserts two different notices. The first, as part of the original application signed February 20, 2023, listed 6 families noticed "by letter." Exhibit 3 p. 34 (Siting Application, Appendix A, Certification of Notification of Non-Farm Residences). The second notice adds another family and says they were notified "verbally." That family is part of the appellants and states they were not given notice verbally (or in writing). Appellants believe that "verbal" notice is insufficient for a siting application and is not proper notice. Additionally, Silver Creek *backdated* that second notice to March 7, 2023 and signed the confirmation list May 12, 2023. See Exhibit 4 p. 28.

6. Additional considerations not met and the siting application should have been denied.

The Site Selection GAAMPs have "additional considerations" for all facilities and livestock production facilities, but Silver Creek and MDARD failed to apply and improperly applied the GAAMPs when reviewing this application. If MDARD had properly reviewed and applied the "additional consideration" GAAMPs, it would have no choice but to deny the siting application, because the circumstances or neighboring land uses "constitute conditions that are considered unacceptable for construction of new... livestock production facilities." Siting GAAMPs p. 12. At a *minimum*, additional setbacks or approvals from *other* agencies such as EGLE would be required prior to MDARD being able to make any consideration regarding a proposed site's acceptability. Siting GAAMPs p. 12.

A. High public use areas not identified and methodology for estimating setback measurements is not supported by competent evidence.

New livestock production facilities are subject to setbacks to minimize the potential effects on people who use these areas. Siting GAAMPs p. 13. Silver Creek only identified the daycare just north of the facility. It appears that Silver Creek may have only looked at the daycare building - and excluded the outdoor playground, which is essential for child health and the business. However, as community members, we know there are several other important public use facilities and areas nearby (for example, drive in movie theater, drive-in diner, wedding reception site, fire department buildings, a

³ We also believe Silver Creek grossly underestimated the size of its mortality shed needs by approximately 6.5 times.

church, and two adult care homes - Lilac Manor and Red Hill). For example, just southeast of the facility is a historical church with outdoor service. And, several of the proposed land application sites in the updated Manure Management System Plan essentially surround a Tribal Health Services facility, Tribal Court, Pow Wow Grounds, and the Center of History and Culture on Indian Lake Rd.

The GAAMPs recommends a 1,500 feet setback for high public use areas. For the daycare, Silver Creek and its consultants seemed completely confused about how to conduct this measurement. See Exhibit 3 p. 8 (MDARD 4/26/23 FOIA, March 1-16, 2023 email exchange between AgSolutions and MDARD). When we use Google Earth to measure the distance, we get noticeably less than 1,500 feet, but somehow, Silver Creek arrived at the convenient number of 1,539 feet. Again, we state that a professional licensed surveyor is the only way to prove setback distances, especially where legal rights and peoples' public health and lifestyle are at stake.⁴ For the other public use areas, the distance is difficult to determine without knowing the starting point Silver Creek used to suggest that these facilities are outside of the 1,500 area. Included within our group of appellants are also people who utilize the high public use areas. We are also all concerned that without stringent mitigation measures required by Category 2, a 1,500 distance is not nearly enough. And, if Silver Creek has in fact moved where it is constructing the barn and the manure / mortality storage or other structures on the site, the entire application needs to be recommenced, including legal notices. See, e.g., Exhibit 4 p. 6 (text message asking "hypothetical" question to move site 75-100 feet).

Further, no information was provided on the number of people using these local water supplies, and the public use of water at these places, and no deviation from the local health department or EGLE was sought. For example, no information was provided regarding the number of people using the daycare water (children, caretakers, parents, the on-site tenant). This information needed to be gathered and provided; without it MDARD was not in a position to make a decision on the Siting Application.

Based on our review and contacts with community members on the ground, fully fifty-one (51) non-farm residences are within a ½ mile of the property including a daycare (with a tenant who resides on-site), young families with children, elderly couples with health conditions, the town fire chief, teachers, a school principal, farmers, and a historical church with outdoor service. See Exhibit 2. In addition, approximately 1.3 and 2 miles northeast of the Silver Creek facility - the direction Silver Creek suggests the dominant wind will blow - is our local outdoor beautiful wedding location (Revival Wedding Barn), new fire department buildings, and major destinations for summer vacationers - including an outdoor drive-in movie theater (5 Mile Drive In) which is one of the oldest operating drive-in theaters in the U.S., and a drive-in diner. For all of these residences and high public use facilities in our community, odor issues and well contamination could and are likely to lead to public health issues, and significant deterioration in community relations, see figure 1 below. Additionally, the area within just a few miles of the proposed operation has three notable, beautiful lakes (Magician Lake, Dewey Lake, and Priest Lake) which are iconic summer and year-round recreation spots for our community. The surrounding lakes that the community depends on for recreation, tourism, and high non-homestead property tax dollars could be destroyed. The environment, including groundwater

⁴ Even Cass County's website says maps are available "for reference purposes only. For legal lot line boundaries and descriptions please contact a surveyor."

<https://www.casscountymi.org/1345/Geographic-Information-Systems>

near the site and areas surrounding the manure application fields could be greatly impacted as well as the increased risks to wildlife populations from disease. The siting approval is inappropriate because MDARD failed to apply and improperly applied the GAAMPS and it should be denied.

B. Drinking water sources and wells not identified.

The Siting GAAMPs' environmental objectives focus specifically on water quality protection and odor control (Siting GAAMPs p. 2), and groundwater and surface water quality issues are addressed through practices and protections in the Manure Management and Utilization ("MMU") GAAMPs (see Siting GAAMPs p. 2). The MMU GAAMPs categorize management practices into four areas: (1) runoff control and wastewater management (2) odor management (3) construction design and management for manure storage and treatment facilities and (4) manure application to land. MMU GAAMPs p. 2. Here, Silver Creek and MDARD failed to identify drinking water sources and wells as part of the Siting Application, failed to notify community members who own and use these wells, and failed to identify practices or protections in the Siting Application proposal that would in any way protect drinking water and wells from environmental and public health impacts of the facility. This is contrary to the GAAMPs and to NREPA.

First, MDARD failed to apply the Siting GAAMPs when it did not require - and it did not verify - the applicant's obligation to identify all wells within 2000 feet to a Type I or Type II public water supply. Siting GAAMPs p. 12-13. Silver Creek's consultant, Ag Solutions, asked MDARD:

"What is the best way to locate wells. I found 3 well logs within the 2000'. One for House 1, one for house 2 and one for the daycare. I couldn't find well logs for any of the other houses. I used this website GeoWebFace Map Page (state.mi.us) to locate what wells I could and have added those to the KMZ file. Is there anything I need to do?"

MDARD responded:

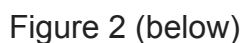
"Well logs and locations for irrigation, private and possible public wells within 2,000' of the facility. As identified in Attachment 11 of the Livestock Siting Application"

Exhibit 3 p. 8 (MDARD FOIA, (March 1-16, 2023 emails between AgSolutions and MDARD).

Despite receiving this instruction from MDARD, AgSolutions then submitted a Siting Application only identifying three wells. One well is at the daycare, one is at a farmer's home (the farmer who allegedly "verbally" was given notice, and is an appellant, see also Exhibit 4 p. 5 (Image 0209)), and one is on another appellant's property, across the street from the church. We estimate that these three wells are the *minimum* number of wells that are within 2,000 feet of the facility, as several homes and businesses are within the ½ mile distance. We estimate approximately 51 homes and residences and businesses within ½ mile, all of whom are on well water. Some community members' addresses are provided at the end of this document, and, using the publicly-available EGLE water well viewer tool, we identified several local water wells.⁵ It should not have been a mystery to Silver Creek,

⁵ See EGLE Water Well viewer tool at <https://www.mcgi.state.mi.us/waterwellviewer/>

Figure 1 (below) - EGLE Well Viewer Excerpt



Residences/businesses within one mile and half-mile circles



Figure – Google Earth image with one mile (yellow) and 1/2 mile (aqua) radius

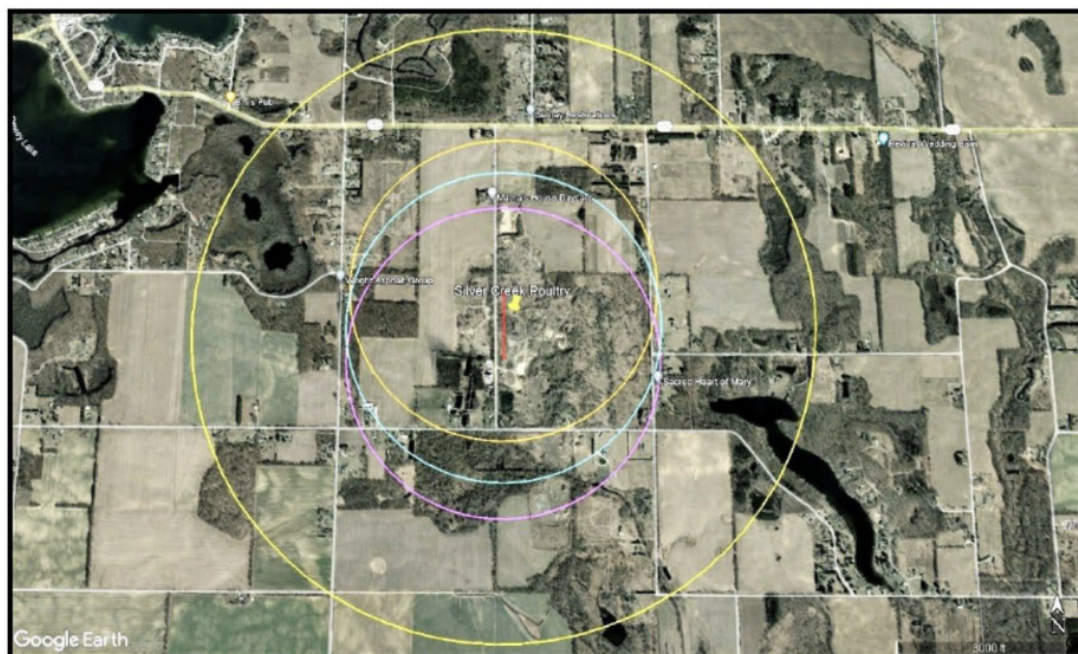


Figure – One mile (yellow) plus half-mile center (aqua), north edge (gold), south edge (pink)

Figure 3 (below)

Residences/businesses within 1/2 mile and 1/4 circles



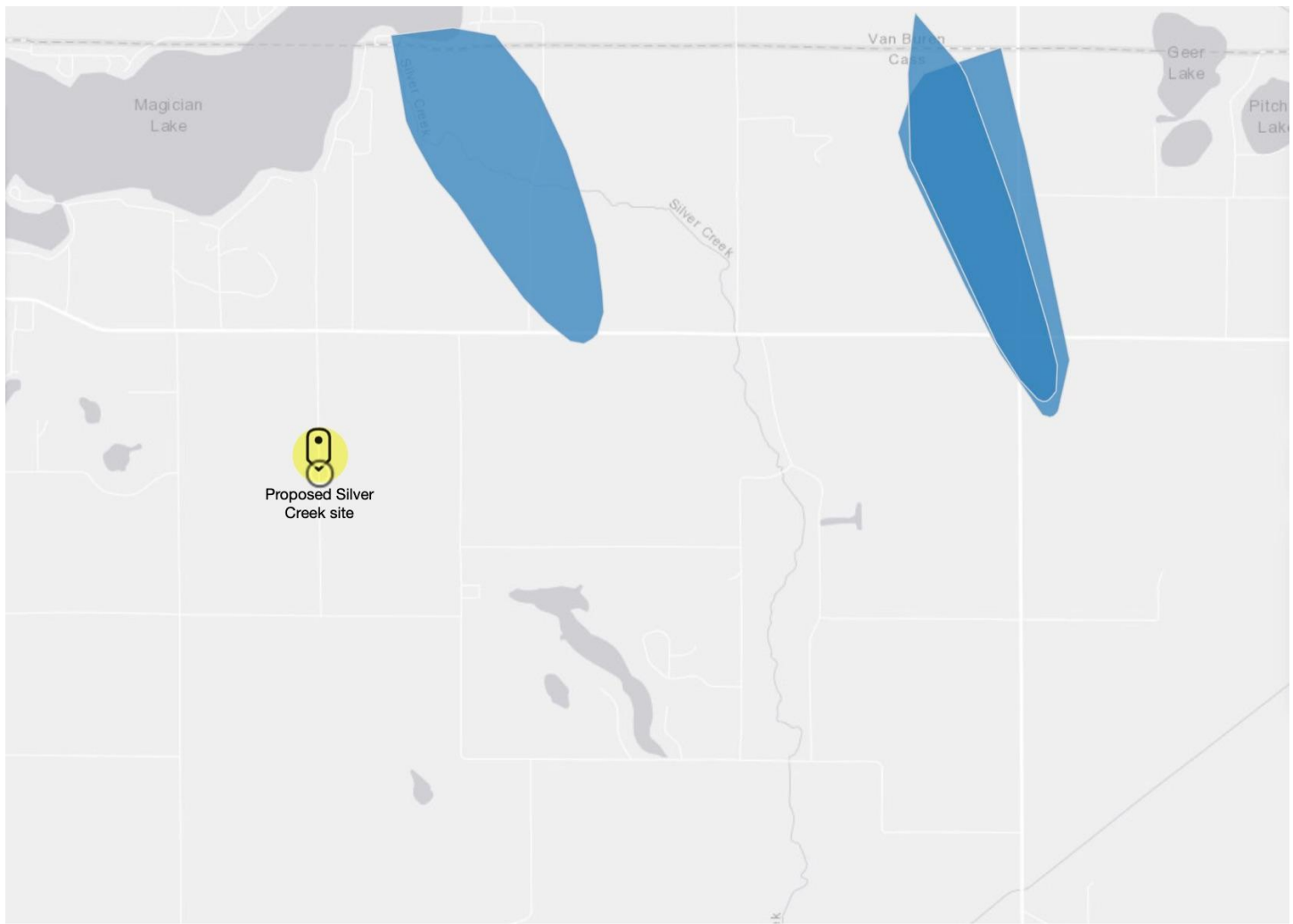
Figure – Google Earth 1/2 mile and 1/4 mile circles from north edge of barns (gold)



Figure – Google Earth 1/2 mile and 1/4 mile circles from north edge of barns north 1/2

Second, the GAAMPs require applicants and MDARD to consider any wellhead protection areas. MDARD identified a wellhead protection area approximately 1 mile away at the White Pines Mobile Home Park. Exhibit 4p. 11 (MDARD 5/19/23 FOIA, MDARD Redlined Application) We looked at

EGLE's Wellhead Protection Area Map,⁶ and identified at least two or three wellhead protection areas nearby the facility (WSSN 40105, WSSN 2014814). See Figure 4 below. We have great concern that without further investigation, these wellheads may be within a flow path of pollution from the Silver Creek poultry operation for water contamination, especially given the high water table and water connections in our area, and lack of protections in the facility's proposed design. We also have great concern that the application fields - both the 800 acres Silver Creek owns and the 2,200 acres it proposes to manifest waste to (the locations which are not identified in the application) - are in or near wellhead protection areas. For example, the "New Organic" fields identified in the Manure Management System Plan are located at the intersection of Painter School Road and Deans Hill Road, which mean that approximately 124 acres of land application will occur right across the street from two additional wellhead protection areas (WSSN 00650 and WSSN 606040). And the "Webster" fields identified in the Manure Management System Plan are located directly west of JD Layman Farms, which means that approximately 90 acres of land application will occur less than 1.5 miles south of wellhead protection area WSSN 02030. This information was not clearly identified or reviewed by MDARD.



⁶ See EGLE Wellhead Protection Map, available at <https://gis-michigan.opendata.arccgis.com/datasets/egle::wellhead-protection-areas/explore/>

Soil Test Phosphorus

- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results
Legend based on MI NRCS 590 standard

Location	Phosphorus Level	Category
NON4	74.00	Nitrogen Based
NON2	51.00	Nitrogen Based
NON3	36.00	Nitrogen Based
NON1	37.00	Nitrogen Based
NOE1	94.00	Crop Removal
NOE3	68.00	Nitrogen Based
NOE2	26.00	Nitrogen Based
NOS2	47.00	Nitrogen Based
NOS1	59.00	Nitrogen Based
NOW	33.00	Nitrogen Based

The GAAMPs also require consideration of the ten-year time-of-travel zone for wellhead protection areas. Siting GAAMPs p. 12. New livestock production facilities shall not be constructed within this ten-year zone. This information is not in the application and MDARD did not review it. Again, MDARD failed to apply the GAAMPs or improperly applied the GAAMPs.

C. Wetlands and floodplains.

12

wetlands information for the 800 acres of land application fields. This information is readily publicly available through National Wetlands inventory and through state and local county resources. For the additional 2,200 acres Silver Creek claims it has access to, it is likely they may impact wetlands, but the applicant did not provide any location information for any of these fields. Given the hydrology of our region, we believe that it is likely these fields will impact wetlands and may be in floodplains. MDARD failed to apply this section of the GAAMPs or improperly applied it in reviewing the application.

D. Surface water protection, water quality, recreation.

Silver Creek is proposing to site the egg layer operation near drains or creeks which lead to the Dowagiac River,⁷ and closeby to Priest Lake and Silver Creek. Our area, Sisters Lake Region, is a well-known picturesque resort area of 10 lakes in Southwest Michigan. We are featured through state campaigns like PureMichigan which recognizes us for our “small town friendliness”, encourages outside activities in the summer and you-pick fruit and vegetable harvests in the summer and fall. Our beautiful lakes are amazing for swimming, boating, and fishing - all year round for our ice fisherman. We have native fish and the lakes are active components of state DNR fish stocking programs. Our lakes are shallow - only about 20 feet (Round Lake) to 40, 50 or 60 feet (Priest, Dewey, and Magician Lakes, respectively) deep. The shallow nature of our lakes makes them more susceptible to a variety of factors, including temperature changes and algae blooms.

We take our water quality very seriously. Magician Lake is part of the state Cooperative Lakes Monitoring Program, monitoring transparency, temperature, dissolved oxygen, chlorophyll, and phosphorus. We also have local groups watching water depths (some of which is dam-controlled), water quality for our lakes, and lake management plans to maintain water quality and prevent the proliferation and spread of invasive aquatic vegetation. For some places, like Magician Lake, we even have a special assessment district to address invasive weed issues, regular surveys and treatment plans to address invasive aquatics, and management strategies to protect the long-term health of our waters.⁸ All of these efforts are necessary to prevent degradation of our lakes, and we have invested significant resources for decades - if not as long as a century - so they are not “loved to death” by their popularity. While some local waters have extra regulations - the St. Joseph River has a TMDL for E. Coli in Berrien County (where Silver Creek proposes land applying manure, e.g. the RB Fields are adjacent to the St. Joseph River), we believe that it is only because of our strong protections for water quality that our lakes and rivers and groundwater has not gone the way of other waters in Michigan that suffer from eutrophy, algae blooms, and poor water quality.

A primary objective of the Siting GAAMPs and the Manure Management & Utilization GAAMPs is to protect water quality. Without stringent siting review, and management factors securely in place,

⁷ See, e.g., Cass County “Beacon” Mapping Tool at

<https://beacon.schneidercorp.com/RenderPdf.aspx?AppID=1152&LayerID=30814&PageTypeID=1&PageID=12487&bbox=12624512,190020,12664772,211552&Scale=FIT&Q=1686943399519&Options=%7B%22paperSize%22%3A%228.5x11%22%2C%22mapQuality%22%3A150%2C%22title%22%3A%22%22%2C%22subtitle%22%3A%22%22%2C%22author%22%3A%22%22%2C%22showHeader%22%3Atrue%2C%22showTitleBar%22%3Atrue%2C%22showFooter%22%3Atrue%2C%22showOverview%22%3Atrue%2C%22showLegend%22%3Atrue%2C%22showScaleBar%22%3Atrue%2C%22showNorthArrow%22%3Atrue%2C%22showDetails%22%3Atrue%2C%22mapScale%22%3A%22FIT%22%27D>

⁸ See, e.g. 2019 Magician Lake Management Report and Recommendations

https://www.magicianlake.org/_files/ugd/48f3ef_97bb9b4dd50e4752a179af3d8d46a163.pdf

Silver Creek risks jeopardizing our surface and groundwater water quality, and the significant resources we have long invested in protecting our local waters. As we raise throughout our appeal, Silver Creek's proposal ignores construction and operational stormwater controls, wastewater and washwater management, manure and mortality storage concerns, runoff and erosion and leaching controls, and manure application concerns (especially for over-applications, and because of the high phosphorus levels already existing in the fields identified by Silver Creek). This concerns our state water quality standards, state antidegradation policy, NREPA, and the Clean Water Act. Allowing Silver Creek's proposal risks backsliding and deteriorating our regional water quality we have fought so hard to protect, and allowing this facility would be contrary to state and federal water quality laws.

E. Abandoned gravel site is not an appropriate site for an egg layer operation.

Silver Creek is proposing to site its operation on an abandoned gravel mine. Since the beginning of this proposal, we have been trying to get information regarding the gravel mining at the site, the permits, excavation and disturbance information, soil and geology and hydrology information, stormwater management information, whether reclamation activity has been undertaken at the site, site stability, etc. To date, we have received little to no information. The siting application, and MDARD's review of the application, have only mentioned in passing that the used to be a gravel mine; no consideration has been given for how past use of the site relates to factors such as egg layer facility stability and construction, grade of the site, permeability of the site in an area with elevated groundwater, stormwater flow across the site. Nor has it been entirely clear *where* on the site the barns, manure, and mortality storage will be located - or other storage or buildings on-site. Responses regarding construction were limited to grading concerns, and deferred to the excavator for compaction. See, e.g., Exhibit 4 p. 1 (Request for Additional Information), Exhibit 4 p. 6 (text message asking about moving the location). This is inappropriate because site review is supposed to include subsurface investigations. See, e.g., Siting GAAMPs p. 20. This particular site is unique because of the gravel mine, and "each site should be assessed individually in terms of its proposed use." Siting GAAMPs p. 6. This information is a critical first step in evaluating the siting application, but MDARD failed to apply and/or improperly applied the GAAMPs in this regard. The only information here is that the "The site is located in an old gravel pit and the soils are very sandy." Exhibit 3 p. 61 (MDARD FOIA, Siting Application "Construction Information." And, that the site is "gravel pit spoils", "likely natural outwash." See Exhibit 3 p. 70-73 (MDARD FOIA, Soil Profile Reports).

Based on subsurface investigation, waste storage structures must be able to provide safe support without excessive movement or settlement. No such subsurface investigation was undertaken here. According to engineering requirements per NRCS, scope and intensity of geologic investigations must be consistent with the geologic complexity and stability of the site. Due to the nature of the proposed site location being on an abandoned gravel mine, a thorough investigation into the site should be conducted. The allowable foundation pressure decreases significantly from bedrock (12,000) to sandy gravel (3,000) or sand (2,000) – which are types of materials at the gravel pit, as demonstrated in the table below. Here, MDARD engineers had further questions regarding the plan for the gravel pit, as noted in the FOIA documents provided. See Exhibit 3 p. 22. The applicant's response is vague at best, indicating that the excavator in charge "has a plan" to ensure compaction. The boilerplate generic schematics for construction do nothing to support any "plan" for compaction,

nor do they explain how or what method of compaction would be employed and how that would ensure stability and protection of the environment and public health. Applicant does not provide enough factually backed information to forego the additional analysis MDARD inquired about, or that basic due diligence, engineering standards, and environmental and public health protections, require. The International Building Code and the International Code Council have established pressure and foundation limits for different kinds of materials (see Figure below). This readily available information should have been considered - along with the history of the gravel mine site - but it was not.

Class of materials	Allowable foundation pressure (psf)	Lateral bearing (psf/ft) below natural grade	Coefficient of friction	Cohesion (psf)
Crystalline bedrock	12,000	1,200	0.70	-
Sedimentary and foliated rock	4,000	400	0.35	-
Sandy gravel or gravel (GW and GP)	3,000	200	0.35	-
Sand, silty sand, clayey sand, silty gravel, clayey gravel (SW, SP, SM, SC, GM and GC)	2,000	150	0.25	-
Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL, ML, MH and CH)	1,500	100	-	130

¹ International Building Code (IBC), 2015, International Code Council (ICC)

Figure – Allowable Foundation and Lateral Pressures depending on surface materials

Figure 6 (above) - Natural Resources Conservation Service Conservation Practice Standard Waste Storage Facility CODE 313, p. 6 of 12 (May 2016)

In order to properly review the Siting Application, MDARD should have pursued additional information, but it did not. MDARD's failure to apply the GAAMPs and/or improper application of the GAAMPs means the siting request should have been denied.

F. Migrant Labor Housing

Silver Creek or MDARD identified the White Pines Mobile Home Park as being near a wellhead (Ex. 4, p. ____), but failed to further analyze the mobile home park. We believe that the mobile home park serves as housing for our community's migrant labor population. Under the Siting GAAMPs, migrant labor housing needs to be measured for appropriate setback distances from a livestock operation. It does not appear that either Silver Creek or MDARD looked at this issue for White Pines or for other migrant labor housing in our area.

7. Lack of Information and use of incorrect information on odor control and management show MDARD failed to apply and improperly applied the GAAMPs.

Odor control and management is a "primary focus" of the Site Selection and Odor Control GAAMPs. Siting GAAMPs p. 15. Not only does Silver Creek's Siting Application not support a Category 2 siting

classification, but the lack of information and use of incorrect information should never have been allowed to reach MDARD's review, and in issuing the site suitability determination, MDARD failed to apply and improperly applied the GAAMPs.

The Odor Management Plan is missing crucial parts of the six required basic Siting GAAMPs, Appendix A "Michigan Odor Management Plan, page 23. Without this information, MDARD could not have even reviewed the Siting Application, and MDARD failed to apply and improperly applied the GAAMPs. Appendix A requires an Odor Management Plan to (1) identify potential sources of significant odors (2) evaluate the potential magnitude of each odor source (3) apply and evaluate odor nuisance potential using the MI-OFFSET tool (4) identify current, planned, and potential odor control practices (5) a plan to monitor odor impacts and respond to odor complaints and (6) a strategy to develop and maintain good neighbor and community relations. In fact, Appendix A then goes into three pages of more detail, and provides an example odor management plan. Here, Silver Creek did not conduct any of the six requirements as they are required to. And, for odor control technology, it plans on "none." Exhibit 3 p. 54 (Silver Creek MI-OFFSET Worksheet).

A. MI-OFFSET tool cannot be used for egg layer operations because it contains no "egg layer" option.

We looked at the information provided in the Silver Creek application and the MI-OFFSET tool. We were confused because the MI-OFFSET worksheet references broiler chickens, not egg layers. The MI-OFFSET tool has options for turkeys, and broilers, but not for egg layers. Additionally, under "broilers", the only option for livestock housing is "litter." Egg layers are different from broilers, egg layers do not use sawdust litter floors like broilers (here they will remain on their own manure for a year), and egg layer floors likely include broken and rotting eggs, which broilers do not.⁹ This means the MI-OFFSET tool cannot be used to estimate egg layer operation odors and its an incorrect tool for MDARD to base other pieces of its review of Silver Creek's proposal and odor impacts, such as setbacks, notice, affected non-farm residences, environmental impacts from odor and air pollution.

B. Open air manure and mortality compost structure not accounted for, and "crusted manure" option not supported.

The MI-OFFSET tool also does not have an option to estimate the odors coming from open-air manure and mortality compost piles proposed by Silver Creek, and MDARD did not account for this elsewhere in its review. The MI-OFFSET tool has options for "litter" for animal barns and "crusted manure" for storage sheds. There is no information to suggest that Silver Creek's manure storage methods and mortality compost methods qualify as "crusted manure." Plus, the construction plans submitted for the manure and mortality storage structure seem to suggest that the manure storage will only have 3 foot high berm at the base. See Exhibit 3 p. 63 (Manure Storage Drawing). If the manure and mortality storage structure is indeed open-air, MDARD must factor into its estimates the

⁹ We also note that most egg layer operations use significant amounts of water, and the large structures generate significant amounts of stormwater. These liquid storage structures also generate odors. Here, Silver Creek does not propose stormwater, washwater, or wastewater ponds; if the facility's plans do include liquid storage, those structures must be included in the odor (and other) analyses and plans.

lack of odor-reduction that an open-air structure causes. Additionally, we believe Silver Creek grossly underestimated its mortality needs (see discussion below).

C. Starting point for distance measurements is not correct and is not verified.

The MI-OFFSET worksheet instructs / prompts users to input latitude /longitude for the center point of barns. This is an arbitrary starting point, and in the case of egg layer operations, an incorrect starting point when it comes to odor modeling and odor control which is the entire purpose of the MI-OFFSET tool. Egg layer operations usually have ventilation fans on one or both ends, and can have them on the sides (we believe that the Construction Plans for Silver Creek do not show any fans, or their size and flow rates). In an egg layer barn, the main ventilation fans would likely be the largest source of odors from the barn. The fans, then, should be the starting point for calculating odors, not the barn center. Since the barns here are 500 feet long, this is an important starting piece of information to get right for odor, impacts, setback, and notice distance measurements.

Also, the MI-OFFSET tool, and Silver Creek, ignored other odor sources such as a mortality disposal site or a manure storage site. From the Site Map (Exhibit 3 p. 74), the 60x60 manure and mortality shed is north of the barn. The fans, and the manure and mortality shed, are both sources of odors that must be calculated. MDARD instructed AgSolutions to use the northern manure storage as a starting point for measuring the 1,500 distance for public use areas. Exhibit 3 p. 6 (March 16, 2023 Email from MDARD to AgSolutions), but it is not clear whether AgSolutions started its measurements in the center point of that structure, or at the northern edge. As Silver Creek concluded that the daycare is only 39 feet over the 1,500 foot distance, precision is important when talking about a 60 foot building. Again, using a professional licensed surveyor and starting from the correct measuring point is necessary.

D. Gross underestimation of mortalities means sources of odor have not been identified and cannot be measured.

Below, we explain why we believe Silver Creek has grossly underestimated its estimated mortalities by approximately 6.5 times. Assuming we are correct, Silver Creek will require additional storage structures to contain its mortalities. Each of these storage structures will be additional sources of odor, and must be included in the MI-OFFSET analysis, and considered as part of impacts, setbacks, and notice distance requirements. And, of course, the starting point for measuring the odors from these structures must be appropriate. Attempts to minimize its mortality storage needs by characterizing them as “small” only emphasizes Silver Creek’s mortality management calculation problems. Odor Management Plan, Exhibit 3 p. 53).

E. Silver Creek and MDARD ignored MI-OFFSET information for layers and significantly underestimated odors.

Because the MI-OFFSET tool online does not have an option for egg layers, the Odor Emission Number (OEN) cannot be estimated using the MI-OFFSET tool online. Here, using that tool, Silver Creek estimated - and MDARD did not question - an OEN that is significantly underestimated. However, if Silver Creek and MDARD had looked at Michigan’s own Technical Document for the

MI-OFFSET tool, they should have realized that egg layers have a completely different starting point for egg layer odor emission estimates. Silver Creek and MDARD ignored this. See Michigan Offset 2018 User's Guide: Fundamental Principles, Development History, and User Manual.¹⁰

In the MI-OFFSET Technical document, layer operations with an annual clean out are attributed an odor emission number of 105 and 3.00 odor units. MI-OFFSET Technical Document p. 6. **This OEN of 105 for egg layers is 6.5 times higher than the broiler OEN of 16 used by Silver Creek and approved by MDARD (105/16 = 6.5).** See Figure 7 below (excerpts from MI-OFFSET Technical Document).

Species	Animal Type	Housing Type	Odor Emission Number, OEN/m ² -s (Rate, OU/m ² -s)
Cattle	Beef	Dirt or concrete lot	44 (4.42)
		Free stall, deep pit or scrape; loose housing, flush	70 (2.00)
	Dairy	Tie stall	25 (0.70)
		Open concrete or dirt lot	40 (4.00)
Poultry	Layer	Deep pit; annual cleanout	105 (3.00)
		Deep pit; weekly cleanout	35 (1.00)
	Broiler	Litter	16 (0.45)
	Turkey	Litter	11 (0.32)
Swine	Gestation	Deep pit or pull plug; natural or mechanical vented	441 (12.60)
	Farrowing	Pull plug, scrape, or flush; mechanically vented	168 (4.80)
	Nursery	Deep pit or pull plug; natural or mechanical vented	303 (8.66)
	Finishing	Deep pit, pull plug, flush, or scrape; natural or mechanical vented	240 (6.86)

Layer	Deep pit; annual cleanout	105 (3.00)
	Deep pit; weekly cleanout	35 (1.00)
Broiler	Litter	16 (0.45)
Turkey	Litter	11 (0.32)

F. Other missing information from MI-OFFSET.

Other information is missing from the MI-OFFSET tool, and which concerns us. For example, MI-OFFSET assumptions are based only off of weather data from April 1- October 31, instead of the whole year. There is nothing in the Silver Creek siting application to suggest that odors magically “disappear” during the winter, especially if the manure and mortality storage is open-air. Nor does the MI-OFFSET account for other weather variabilities due to climate change, which may exacerbate odors in changing wind, sun, cloud, heat, and rain/precipitation conditions.

G. Silver Creek's Odor Management Plan is inadequate

The odor management plan is missing crucial parts of the six basic requirements. Without this information, MDARD could not have even reviewed the Siting Application, and MDARD failed to apply and improperly applied the GAAMPs. The applicant fails to do the following in their application: describe the plan to track odor impact and the response to odor concerns as they arise, outline how significant odor events will be recognized and tracked including potential impact on neighbors and others, explain how an odor complaint will be addressed, as well as indicate the point at which additional odor control measures will be pursued. This demonstrates that MDARD failed to apply the GAAMPs in regard to the issue.

¹⁰ See https://legacy.enviroweather.msu.edu/mioffset/MIOFFSET2018_technicaldocument.pdf

By failing to require the applicant to show point of measurements and accurate measurements presented under surveyor signator and license number the siting is inappropriate and demonstrates MDARD failed to apply the GAAMPs in regard to setback distances. The daycare would need to be measured from the building closest to their facility, this was not measured by a licensed surveyor nor were all buildings or outdoor areas needed for the facility adequately identified.

It is unclear how effective ventilation systems and proper water line adjustments will be in the facility's attempt at odor management - furthermore, the applicant states that "additional practices will be considered if odor concerns arise at the site", which lacks specificity or a commitment to stopping or mitigating any problems. A proper odor management plan, as required by the GAAMPs, should outline a proactive strategy for odor control and mitigation. The Odor Management Plan does not outline any specific practices, technology, or measures that will be used on a regular basis during daily operations, or during recognized times of odor concern (transport, eventual land application, days/nights of particular weather). Odor tracking and measurement, additionally, should be proactive rather than reactive - the applicant does not state any methods of tracking odors, or specify what actions will be taken to address the issue beyond acknowledgement and a generic "response" to community concerns. Where "response" does not include active control and cessation of the odors, the Odor Management Plan fails to meet the GAAMPs.

8. The manure management storage and system plans are incomplete and inaccurate; MDARD failed to apply or improperly applied the GAAMPs.

The manure management system plan is inappropriate and MDARD failed to properly apply manure storage and land application requirements. This will greatly impact the amount of odor that surrounding residents, daycare, and church will be impacted by and could pose significant public health issues. The manure storage facility design does not meet minimum NRCS construction requirements including site geologic/soil investigation, barn and manure shed foundation supports, identification of existing/final grade, heavy vehicle restrictions, and engineering specifications. Without these specifications readily available in the application, the applicant cannot demonstrate that manure storage facilities are designed or constructed to prevent contamination of surface water or groundwater, as is required in the Manure Management and Utilization GAAMPs. See, e.g. MMUP GAAMPs p. 2. Plans vaguely and generically sketch out that the barns will utilize their own self-contained storage on the floor; but further information on the storage design and maintenance plan is not provided as is required. See MMUP GAAMPs p. 14. The applicant says in their application that they have new technologies and techniques to mitigate odor. But, the application does not contain any type of odor management, new technologies or techniques required by GAAMPs for odor control required for Category 2 Sites. Nor does the Odor Control Plan list any technology or mitigation measures the applicant would take. In fact, the Odor plan column says "none" for every listed source of odor for odor reduction / odor control technologies. See Ex. 3, p. 54. Because the applicant cannot prove any minimization of odor, the MDARD cannot review the application for compliance with the GAAMPs, and the application should have been denied.

The manure management system plan fails to show whether any offsite manure storage facilities will be used by the applicant or those using the manure. By failing to consider this MDARD didn't

consider the plans for “Offsite Manure Storage Facilities” that would be required to comply with GAAMPs as well and the impacts to the areas surrounding those manure storage areas. See Siting GAAMPs p. 14, 15. No information is provided regarding a land application plan, timing, rates, or any protective measures in place to prevent nutrient runoff and surface (or ground) water contamination. There is insufficient information on manure transfer, including but not limited to transport methods, containment measures, cleaning procedures to avoid disease transmission, or potential transportation routes.

The Manure Management System Plan Comprehensive Nutrient Management Plan is inappropriate because MDARD improperly applied the GAAMPs. The plan did not include manure easement agreements, adequately identify land application parcels (the 800 proposed acres or the 2,200 “other” acres), nor the historic crop yields for each parcel, did not show buffer distances to surface waters, wetlands and other protected water features within or bordering each parcels. The failure to consider an adequate Plan will result in impacts to the environment, both water quality of groundwater and surface waters as well as impacts to residences, businesses, health facilities and the limitations of roads near these areas. Nutrient management planning is a key component of Michigan GAAMPs. Plans that do not accurately calculate manure application rates based on soil nutrient levels, crop needs, or risk analysis of nutrient runoff, are inadequate in nature and demonstrate a failure to properly apply GAAMPs.

9. Proposals for land application of manure are inappropriate, and MDARD failed to apply or improperly applied the GAAMPs.

MDARD improperly applied the GAAMPs by failing to consider the phosphorus soil values. The soil test values provided by the applicant include 5 parcels with P soil test value greater than 100 ppm. There are 23 parcels with P soil values greater than 50 ppm but less than 100 ppm and 20 parcels with P soil values greater than 25 ppm but less than 50 ppm. There are a total of 48 parcels that do not need more P if used for alfalfa (mineral soil) using the 2009 Nutrient Recommendations for Field Crops in Michigan. MDARD applied with inaccurate, incomplete or inconsistent numbers on number of fields/ acres, yield goals per field (not on a conglomerated basis, especially when field-specific soil samples are available), site-specific nutrient analysis, not conglomerated from facilities across the state, accurate manure production, and spreading, field needs & Ag Solutions’ basis for ‘conglomerated’ numbers. MDARD did not consider mineral vs organic soils nor that the numbers are already elevated on these parcels.

Figure 8 (below)

Silver Creek - Land Application Parcels, Soil Tests, and Phosphorus

From page 3 of 13 Updated Manure Management System Plan:

Estimated Annual Nutrient Balance					
Crop	Yield Goal	Acres	Nitrogen*	P ₂ O ₅	K ₂ O
Alfalfa	5	84.1	18,931	5,469	21,035
Corn grain	200	438.1	63,522	30,666	17,523
Soybean	60	379.1	86,445	18,199	26,161
	Totals	901.4	168,899	54,334	64,719
Annual Nutrient Production			27,440	61,840	41,120
Nutrient Balance			-141,459	7,506	-23,599

Figure – Snapshot of Annual crop yield goals and nutrient requirements.

“The chart above shows that the producer does not produce enough nitrogen or potash to meet his crop need and additional fertilizer will be needed. It also shows that there is a surplus of phosphorus. If the soil test P levels begin to rise additional acres may be needed.

Estimated Manure Nutrient Analysis						
Manure Source	Total N	NH ₄	Avail. N	Avail. P ₂ O ₅	Avail. K ₂ O	Units
Layer Litter	49.9	10.8	34.3	77.3	51.4	lbs/ton
Ave Actual Analysis						
Estimated Annual Volume and Nutrient Production From All Sources						
Storage ID	Annual Volume	Units	Avail. N	P ₂ O ₅	K ₂ O	Source
Barn 1	200 Ton		6,860	15,460	10,280	Actual
Barn 2	200 Ton		6,860	15,460	10,280	Actual
Barn 3	200 Ton		6,860	15,460	10,280	Actual
Barn 4	200 Ton		6,860	15,460	10,280	Actual
			Avail. N	Avail P ₂ O ₅	Avail K ₂ O	
Total for all Storage ID's			27,440	61,840	41,120	

Figure – Snapshot of Manure Nutrient Analysis on pages 1 and 2 of 13 Updated MMSP

“These manure numbers come from existing layer operations all over Michigan that we work with for Miller Poultry. Actual manure production amounts and analysis in the future will allow us to better determine if additional acreage will actually be needed. We believe that the actual data and past history that we have with the other similar type operations will provide much more useful and accurate manure information for the producer to use.”

Again, because the Site Selection GAAMPs require site specific investigation, using Miller Poultry information from “all over Michigan” is inappropriate here.

Additionally, MDARD did not consider the scope of land application in the area under the GAAMPs, or NREPA. Silver Creek proposed spreading manure across at least 800 acres in a beautiful lake region,

and having access to another 2,200 acres for spreading manure. MDARD should have accounted for the region-wide and watershed-wide impacts of manure in this region from the proposal.

10. Silver Creek grossly underestimated mortality management needs and its plan fails to meet the GAAMPS.

MDARD failed to properly apply the GAAMPS in regards to the mortality management plan because MDARD failed to evaluate the mortality compost facility estimated volume, which will greatly increase the number of compost bins that would be required at the site, and which will increase community impacts through odor, air, and water pollution factors.

NRCS has standards on calculating mortality compost needs. See NRCS Animal Waste Management Field Handbook Ch. 10 "Waste Management Design, Composting." The Silver Creek manure compost facility is not designed according to NRCS standards, and speculated in its Manure Management System Plan that it would need 3 compost bins, each being filled over a two month period, and it would locate these within the 60x60 manure shed. None of the schematics for the facility lay out Silver Creek's plan for stacking three bins in the manure shed.

It does not appear that Silver Creek's Mortality Management included an expected breeder hen mortality rate - nor the NRCS calculations to determine number of primary and secondary compost bins necessary. Without this information, MDARD failed to apply and improperly applied the GAAMPS. **Applicant claims only 3 bins would be needed. But, by our calculations, if only even 1% of the flock experiences mortality, but using NRCS equations, there should be 22.5 compost bins for dead hens, not 3 bins.** See figure below for why 22.5 is the correct number to use) if the mortality was 1% of the total flock. With MDARD failing to properly apply GAAMPS to the mortality management plan they failed to consider the additional impacts the additional compost bins would have on the environment including odor, air pollution, surface and groundwater contamination.

Figure 9 (below)

From NRCS Animal Waste Management Field Handbook, Chapter 10 Waste Management Design, Compositing:

Link: <https://directives.sc.egov.usda.gov/31529.wba>

Equation 10-22 can be used to calculate the volume for each stage in the compost facility.

$$\text{Vol} = B \times \frac{M}{T} \times W \times \frac{VF}{100} \quad (\text{eq. 10-22})$$

where:

Vol = volume required for each stage (ft³)

B = number of animals

M = percent normal mortality of animals for the entire life cycle expressed as percent

T = number of days for animal to reach market weight (d)

W = market weight of animals (lb)

VF = volume factor

Figure – Snapshot of equation used to determine mortality compost volume.

Here, volume = 45,000 layers x assumed 1% mortality /yr x 4 lbs/layer x 2.5 VF/100 = 4,500 ft³

The number of bins required for the first and second stages can be estimated to the nearest whole number by dividing the total volume required by the volume of each bin (eq. 10-23).

$$\# \text{ Bins} = \frac{\text{Total 1st stage volume (ft}^3\text{)}}{\text{Volume of single bin (ft}^3\text{)}} \quad \text{eq. (10-23)}$$

Figure - Snapshot of NRCS equation used to determine number of mortality bins

From page 91 of 217 of the AWMFH Chapter 10 - Composting guidance:

“Bins are typically 5 feet high, 5 feet deep, and 8 feet across the front. The width across the front should be sized to accommodate the equipment used to load and unload the facility. To prevent spontaneous combustion and to allow for ease of monitoring, a bin height of no more than 6 feet is recommended. The depth should also be sized to accommodate the equipment used.

A high volume to surface area ratio is important to insulate the compost and allow the internal temperature to rise. The bin height and depth should be no less than half the width. Shallow bins are easier to unload and load; therefore, the bin depth should be no more than the width. Figure 10–45 is an example of a dead animal composting bin.

Here, mortality bin volume = $5 \times 5 \times 8 = 200 \text{ ft}^3$ # bins = $4,500 \text{ ft}^3 / 200 = 22.5$ bins.

Because there is such a gross discrepancy between Silver Creek’s proposal, and the NRCS guidelines, the applicant’s failure to identify a strategy to be implemented to establish and maintain a working relationship with neighbors and community members demonstrates Silver Creek’s disregard for the community. And, that MDARD failed to apply the GAAMPs. MDARD failed to consider this fact and it demonstrates the applicant is not concerned with the community or the impacts on the environment, public health, and economic viability of the community.

11. MDARD failed to apply the GAAMPs regarding road and transportation factors

Part of the Siting GAAMPs evaluation includes considering roads and transportation issues, for example, the availability for Class A roads for feed and product movement (Siting GAAMPs p. 6), the position of roads and paved areas (Siting GAAMPs p. 19), transportation routes (see, e.g., Manure Management and Utilization GAAMPs). MDARD failed to apply the GAAMPs or improperly applied the GAAMPs by ignoring some of the following concerns:

- Routes - routes to and from the facility, to and from manure application fields, and to and from the Miller Hatchery in Goshen, Indiana. The roads in our area are small city, county and some state roads. The siting application did not assess these roads for suitability for heavy, and increased, truck traffic or traffic safety issues for the general public using these roads. Nor was there any consideration for how heavy and increased traffic could impact the daycare, the church, or other important community resources.
- Facility access - the application did not assess the turn into the facility or out of the facility on to Bakeman Road. Will the trucks have to cross the center line of the road to access the facility? That is improper, and it interferes with traffic flow on both sides of the road.
- Number of trucks - the applicant did not assess the number of feed, supply, or manure trucks, their impacts on traffic/road use, or account for additional dust, air pollution, and noise, from these trucks on the community and in particular on the daycare.

- Weight limitations - Michigan has seasonal weight limitations for state, county, and city roads to protect road stability from winter weather and frost and soft ground.¹¹ We are concerned that without proper assessment of this factor, and protections in place, there are dangers of Silver Creek trucks going off the road, tipping over, causing spills, and accidents on county roads and state roads. No information was provided on truck weights, road used, or seasonal use.

12. General information raising concerns about public health and environmental and social impacts of egg layer operations, and history of egg layer operation violations in Michigan.

As part of our work in understanding the Silver Creek proposal, we have spent time and resources educating ourselves and our community about egg layer operations. What we have learned has caused us great concern, and as part of the “many other” environmental factors (see Siting GAAMPs, p. 6) MDARD must evaluate when reviewing a Siting Application under the GAAMPs, we encourage MDARD to also consider some of the following examples:

Food system concerns - FoodPrint culled information on egg layers and found in 2021, about 389 million laying hens produced more than 110 billion eggs in the U.S. The top five egg-producing states include Iowa, Ohio, Indiana, Pennsylvania and Texas. Similar to other concentrated animal facilities, big is the norm, and very few companies own the majority of hens used in layer operations. Ninety-nine percent of all layers are owned by 201 companies, each with 75,000 hens or more¹². The remaining one percent includes farmers who raise small flocks on pasture and direct-market their eggs at their local community farmers’ markets, or at other local venues like road side family farm stands located throughout the community.

Air pollution - There are significant problems with large-scale egg facilities, including environmental pollution, social impacts, and health consequences for the surrounding community. Ammonia is the most prevalent air pollutant in and around layer facilities such as the one proposed. Since ammonia is formed when uric acid in chicken manure breaks down, a lot of manure means a lot of ammonia. High levels of the greenhouse gasses carbon dioxide, methane and nitrous oxide are also associated with industrial egg production¹³.

Zoonotic diseases and public health - Large scale layer facilities, such as the one proposed, cause disease outbreaks to be increasingly difficult to trace or even contain. Contaminated eggs from one facility may end up in grocery stores or restaurants all over the country, so by the time a problem is identified, people across the country may have already consumed the contamination. Public health risks, such an outbreak of bird flu, or salmonella infection, are elevated in these confined layer practices. Salmonella is estimated to infect around 1.35 million every year, with 26,500 hospitalizations, and 420 deaths. Salmonella contaminates eggs either from bacteria in fecal matter passing through the shell membrane, or the existence of salmonella in the hen’s ovary, meaning that

¹¹ See, e.g., Michigan Department of Transportation Press Release

<https://www.michigan.gov/mdot/news-outreach/pressreleases/2023/02/10/annual-spring-weight-restrictions--start-next-week-to-protect-michigans-roads>

¹² See Agricultural Marketing Resource Center <https://www.agmrc.org/commodities-products/livestock/poultry/eggs-profile>

¹³ S.E.M. Dekker, A.J.A. Aarnink, I.J.M. de Boer, P.W.G. Groot Koerkamp, Emissions of ammonia, nitrous oxide, and methane from aviaries with organic laying hen husbandry, Biosystems Engineering, Volume 110, Issue 2

bacteria can be inside the egg even before it is laid. Conditions inside confined laying houses themselves lead to increased salmonella risk. Producing tens of thousands of eggs in a centralized facility, already at high risk for salmonella contamination, means that if this one facility has a salmonella outbreak, cartons of contaminated eggs very quickly wind up in grocery stores around the country. In the first half of 2018, for example, 45 cases of salmonella poisoning in ten states were traced back to one egg producer¹⁴.

Excessive manure production - Egg layer facilities produce more manure than surrounding land can typically absorb. There are many environmental and community consequences resulting from this excessive waste - including manure seepage into groundwater, runoff into surface water, which carries excess nitrogen and phosphorus, which can then contaminate drinking water or cause algal blooms. Bacteria and other pathogens in the forced air and dust from the operation can cause health problems. Overwhelming odors yield lower property values in our community. Exposure to high levels of other gasses including hydrogen sulfide, carbon dioxide and chemical vapors, as well as dust, will be common for the community members living, working, playing, and worshipping in the community surrounding the facility. These can all cause respiratory problems including acute or chronic bronchitis and asthma, exacerbating existing conditions and concerns raised by neighbors. Noxious gasses spread by the industrial fans may contain salmonella or other harmful bacteria, increasing risk of infection. People who live near an egg facility can develop respiratory health problems similar to those of poultry workers, and the odors can reduce property values and depress tourism, all of which are important values in our community as we have discussed. Layer facilities also attract flies, rodents and other pests which can be a serious nuisance for the surrounding community and spread disease¹⁵.

History of violations of egg layer operations in Michigan - Michigan's egg-laying facilities have already demonstrated a disregard for community and environmental health, as evidenced by numerous violations recorded on Michigan's MI Enviro portal database. For instance, as recently as March this year, egg layer operations were found to be improperly collecting and storing production area waste, resulting in prohibited discharges. Poor management of waste storage structures, and improper construction of said facilities, have led to further issues such as dispersion of dust, feathers, runoff of waste, and transmission of pollutants. This exacerbates stormwater management problems, and leads to increased unauthorized discharges into surface and groundwater.

Some generally similar negative impacts endemic to industrial animal agriculture - Researchers at The Johns Hopkins Center for a Livable Future found that, despite differences between broiler and layer operations (such as methods for manure management and the lifespan of the animals), there are key similarities that result in similar public health risks. These similarities include heightened animal density, the use of ventilation fans, and the generation of massive quantities of manure. As a result, researchers suggest that studies examining the public health risks from broiler operations provide valuable insights into the potential community risks posed by layer operations. The main health concerns related to these operations are infections resulting from harmful microorganisms

¹⁴ <https://www.fda.gov/food/outbreaks-foodborne-illness/fda-investigated-multistate-outbreak-salmonella-braenderup-linked-shell-eggs-rose-acre-farms>

¹⁵ <https://stacks.cdc.gov/view/cdc/59792>

transmitted to nearby residents, respiratory problems from increased air pollution, and various negative health impacts due to exposure to ground and/or surface waters contaminated by manure.

Negative impacts on surrounding social rural structure - Egg layer operations have a profound negative impact on surrounding communities and the environment at large. They contribute to extensive levels of pollution, disrupt local ecosystems, and undermine local economies. Public health is at risk due to exposure to harmful pollutants and zoonotic diseases. These operations not only compromise our environmental sustainability and community wellbeing, but also damage our economic resilience, public health standards, and our community's way of life.

13. Community member statements

Below you will find accounts from some of the appellants, summarizing some of the ways that they will be immensely impacted by the development of this factory farm.

Philip Crawford: 51800 Bakeman Rd.

Philip Crawford is a generational farmer who owns the farm directly across the street from this proposed site. Though he is listed on the application as having been notified by the applicant "verbally", he says he was not. He drove down to the site once they started breaking ground and spoke to Mr. Layman, who never mentioned what was going to be on the site. Mr. Crawford believes that Mr. Layman tried to sneak this into the area, and that his request for Right to Farm protection is a blatant misuse of the Act's intended purpose. Mr. Crawford has been farming for over 60 years, and he said that this should not be considered a "farm" in any sense of the word, and this is nothing more than a factory. He is extremely disappointed that anyone would approve this in our area, and hopes that it can be stopped.

Candace Young: 30626 Topash St.

My name is Candace Young, and I have very serious lung conditions. The poor air quality that would come from this poultry factory would do further damage to my lungs. If this factory is approved, it will drastically shorten my life. I am seventy-five years old and have COPD and chronic bronchitis which is an inflammation of the lining of my bronchial tubes which carry air to and from the air sacs in my lungs. My symptoms include asthma attacks, shortness of breath, a chronic cough and excess mucus production. My allergies trigger my asthma attacks. Because of this, my greatest concerns with the proposed poultry factory include: my sensitivities to smells, dust mites, mold spores, poor air quality and my allergy to feather pillows. When I have an asthma attack, it can be life threatening. During an attack, my airway is completely cut off from oxygen. I'm unable to get the air that is trapped in my lungs out to breathe in new air. It's terrifying to have your oxygen cut off. It's like someone is trying to suffocate me with a pillow. My husband and I received a letter from Mr. Layman about the proposed factory. We have lived in our home for twenty five years. We are senior citizens and moving isn't an option for us physically or financially at our age.

Dale Young: 30626 Topash St.

My name is Dale Young and I received a letter from Mr. Layman about the proposed site of the Silver Creek poultry operation. I am a Vietnam veteran who served one and a half years in the country in the Vietnam conflict. I suffer from exposure to Agent Orange. I have extreme lung, heart, skin, and multiple other conditions caused by this exposure. I am extremely opposed to this type of operation infringing on my already compromised health.

Frank & Marcella Wesolowski: 51970 Bakeman Rd.

We have resided on Bakeman Road for forty four years, and are very much opposed to having this chicken farm across the street. Not only will the groundwater potentially be contaminated, but also the air pollution, the noise, and the effects of the increase in traffic of heavy equipment on our county roads are a HUGE CONCERN! As senior citizens, we feel they should not have to worry about having to relocate at this time in their lives. They feel that what this farmer is doing is totally “unjust”.

Shawna Wyngarden: 51244 Bakeman Rd.

I believe any factory farm poses a risk to the community that surrounds it, but more immediately to the day care that I have opened in the area and community of sister lakes. During my process to become a licensed daycare provider that I started in January of this year, I have retained a license number, and I am concerned about nitrate levels in the water in this area.

We moved to this area in August 2022 knowing that we would be surrounded by farms; agricultural farms to be exact. We were unaware and bombarded by the idea that less than a half mile down the road would be 45,000 chickens. Which can be a major contributor to the rise in pollution in waters. I had spoken with multiple departments, and I believed that Mr.Wozniak had our best interest in mind. I had expressed concern about the location of the facility being made and yet no one has surveyed the distance. I had been reassured that my daycare would be part of the setbacks. I do not have any reassurance that it was.

I also believe that there is a misuse of terms. Considering that this is a Right to Farm Act, it has to take into consideration the GAAMPS—the statement in which a facility is not to be within 1500 feet of a daycare should include all property based on the term “farm”. The word farm is all inclusive- the animals, the land, the buildings, everything. This needs to be reconsidered for the safety and well being of children of the community in my care. I am taking part in this appeal due to those reasons.

Chris & Franny Maxey: 30284 Topash St.

We are appealing to Mr. Layman's 45,000 chicken factory in our backyard. We have lived in our home for 20 years, and before that for 23 years by Sacred Heart church.

We have always hosted large family gatherings, and we will no longer be able to do that anymore with the stench of chickens polluting the air. I can't even imagine the noise of the trucks.

We chose to live in this area because it is quiet, has the best country air, and the best well water. A local generational well company told me that we will have water problems within 2-4 years of this facility being put in. What will we do then? Who will buy or rent our home next to something like this?

We feel that Mr. Layman picked this area because the majority of us are retired senior citizens who do not have the financial means to fight back.

Carlie Baerg: 30906 Topash St.

I am writing to oppose the proposed chicken farm on Bakeman Road. We are grain farmers ourselves and appreciate the farming community, but raising animals is a completely different business than raising row crops or vegetables. It concerns me that this may run a lot of wildlife out of our area, one of the things we love to watch.

The smell that the chickens would produce worries me as well. I learned in a college biology class if you are smelling an odor, you are breathing in particles of that odor. I have traveled past many chicken farms and the odor they produce is eye watering! Who would want to live by that. You would no longer be able to have company at your house, who would want to visit?

The final reason I am opposed to this farm is their use of the Right To Farm Act. I feel like the RTFA is being used to bully their way into the area with no regard for the citizens. I feel the RTFA was set up so people couldn't move into a farming area and then complain about the farm that was already there. This operation is using the RTFA to push their way into the community that has almost unanimously said they don't want it.

There has to be some protection for the people.

Natasha Stewart: 51567 Leach Road

Like many of my neighbors, I am concerned with the impact this factory will have on my family, my investments, and the surrounding community. The proposed site is not best suitable for the type of commercial operation that is being proposed. The site is near a church that host outdoor services and relies on those services for essential funding, a fire department who is putting up a second station down the street with volunteers that will use the area for training, a daycare where local kids will go for essential care, licensed adult foster care homes with some of our most vulnerable population and several essential waterways that feed into main water systems in our area. I am all for agriculture in our state, I know that it is essential, and I couldn't agree more when it is done safely, and the laws are used appropriately. When the Right to Farm Act was established, it was intended to protect farms from claims of nuisance activity by neighbors. The individual applying for this site recently purchased a piece of an active gravel pit. He does not own a home in this area, he has not owned property for generations that he would now like to use for this operation. He purchased a piece of property in our neighborhood, never once thinking of the impact it would have on its neighbors. We found out via social media like many of our neighbors. He never addressed it with the township before applying, never pulled necessary well and septic permits from the county health department, and when we voiced our concerns on social media, we were attacked by his employees and friends who told us to move back to the city, to stop eating chicken nuggets, and that they would buy all our property when the value dropped from the operation. Making it clear that they are using the Right to Farm Act as a weapon to get their factory started and not what it was intended for.

Anthony Stewart: 51567 Leach Road

As not only a concerned citizen of Silver Creek Township but a property and landowner on Leach Road, I feel the need to express my concerns and disapproval of allowing a commercial farming operation into an area which is not suitable for this type of production. Allowing this into an area surrounded by homes, churches, fire departments and several area waterways that spill into larger waterways should not be acceptable. How far and how many separate environmental and property impacts is too many? How many are we planning to allow and what are we willing to give up for this operation to set itself into our community. A community where the owner of the operation does not live. If there are no negative impacts to be had by this operation, why are there regulations? I'll tell you why - if I know something it's that facts and numbers do not lie. The environmental and negative impacts on property values alone should be enough for this operation not to happen in the residential area of our township. Mr. Layman is not a resident of our community; he does not own a home in this area. He purchased a piece of property in our neighborhood, never once thinking of the impact it would have on its neighbors and now it seems as if the future of our properties, our health, and our investments are in his hands. When he heard of the concerns, he stated that there is nothing we can do about it. We are asking you to take our concerns into consideration when evaluating our appeal. If a farmer was looking into placing this operation 400 yards from your front door I feel as if you would have the same concerns and would want it taken seriously.

Kelly & Kelly Cromer: 52328 Leach Road

Our names are Kelly A. and Kelly J. Cromer, appellants, and we own a home with acreage on Leach Rd. My family and I are extremely concerned about the future chicken farm that has been brought to our attention in Silver Creek Township. We were made aware of this through my mom, Anita Beach, when she received a letter in the mail from Mr. Layman. She has property directly attached to the proposed farm and our property is also within the appeal area but we have yet to receive a notification.

We have owned our property since 1997. Our family has lived in Silver Creek Township for four generations because we love this beautiful, healthy community. The Right to Farm Act is not being

utilized to help the farmers of the township we love! It is being misused. Mr. Layman doesn't reside in our township. He is an outsider and knows the damage this factory farm will cause to our community. The RTFA was designed to protect existing farmers from outsiders moving into the area and complaining about farming. We love our local farmers and appreciate all they do for our community.

I am a teacher in this community and have dedicated my life to the families that live here. It's a sad day when someone who doesn't live here can come in and ruin our lifelong investments. If this chicken farm is so safe then why isn't he putting it in his own backyard? This factory farm has plans of housing 45,000 chickens which will be detrimental to our property values and the health of our family and township residents. We have also been told that they intend on expanding this factory and intend to fill the area because there aren't that many people in this area. Basically, we have heard that Mr. Layman and his father-in-law, Mr. Grabemyer decided that this is an area that will have the least amount of people to harm when air, water, soil, and multiple other pollutants occur.

We are in opposition to this commercial-size industry. We believe commercial livestock production has caused others, and can cause Cass County residents to lose a large portion of their property values and resale is almost impossible. Not only are the value of our homes and properties at risk, but it is also a huge health concern. My husband, our daughter, and our son all have asthma. They are all affected by the air quality and are already advised to stay indoors when there are poor air quality days. This farm will make it impossible for them to go outside to enjoy the fresh clean air that we currently have. My family will also have to limit their visits due to this farm. My mom has emphysema and COPD and is on oxygen. The air quality with a production of this size is not suitable for my family or our community.

Please deny this farm from damaging our health.

Anita Beach: owner of 30287 Topash Street

My name is Anita Beach, appellant, and I own rental homes on Topash Street, Leach Road, and Downey Street. I received a letter from Mr. Layman which stated that he intends to build a farm that will house 45,000 chickens.

I do not know Mr. Layman, but I believe he is misusing the Right to Farm Act. I believe he has chosen this area because it will not affect him or his family directly when the proposed farm pollutes our community.

I have invested in the aforementioned rental homes for my retirement income. If I cannot find tenants to rent these houses due to the chicken farm then I will have no income to supplement my retirement income. I owned these properties long before Mr. Layman chose to farm this property. Therefore the Right to Farm Act should not apply to this proposed farm. He was not a property owner near these rentals when I made the decision to purchase them.

He is misusing the RTFA to profit and damage the property values of those of us that have been in this township for generations. If at any time I need to reside in one of these properties I will be risking my health. I have emphysema and COPD and am on oxygen. I have serious lung issues and have been hospitalized multiple times due to poor air quality and infections. My health cannot sustain the pollutants of a mass-production chicken farm. This would shorten my lifespan and make me housebound, unable to enjoy the fresh air.

I also question the quality of the well water due to the runoff and fecal matter from this amount of chickens. Mr. Layman has no regard for our health. If he thinks this is such a good investment then perhaps he should locate this farm near his home. I know an excellent realtor who could help him find a location. Maybe he should have his children breathe the air and drink the water that this chicken farm will produce, and then let me know how safe it really is for his family.

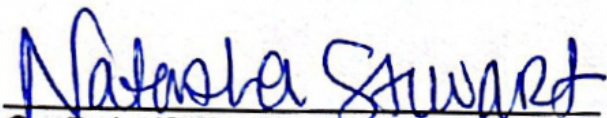
Please deny the Right to Farm Act protection to Mr. Layman for the sake of our health and investments.

14. Conclusion

As such, we formally request that the decision to approve the GAAMPs application for the proposed chicken factory be withdrawn and the application be denied.

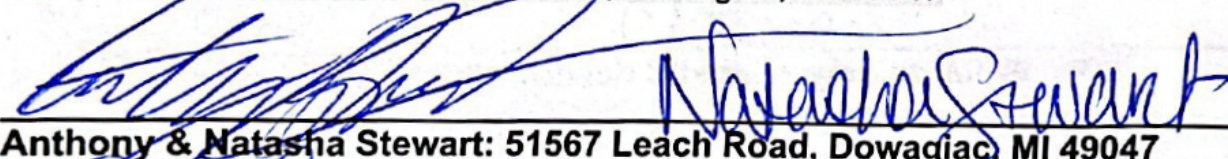
Thank you for your attention to this important matter. We trust that you will give this appeal your fullest consideration.

Sincerely,
Protect Sister Lakes and the Appellants below.

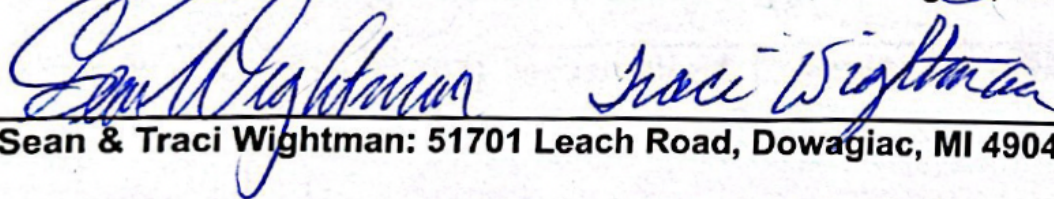


On Behalf of Protect Sister Lakes

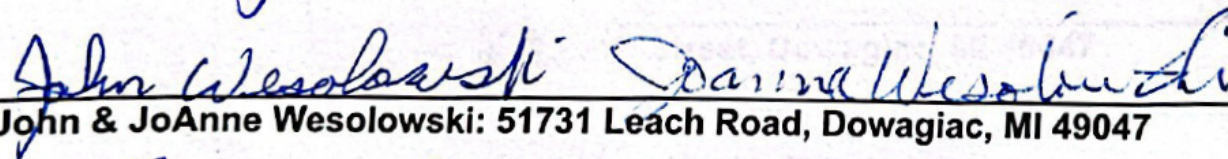
Natasha Stewart, 51567 Leach Road, Dowagiac, MI 49047



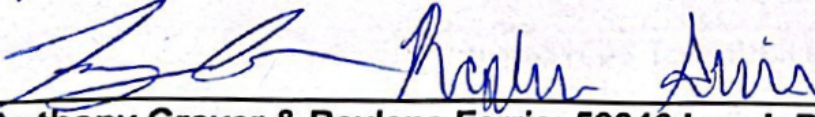
Anthony & Natasha Stewart: 51567 Leach Road, Dowagiac, MI 49047



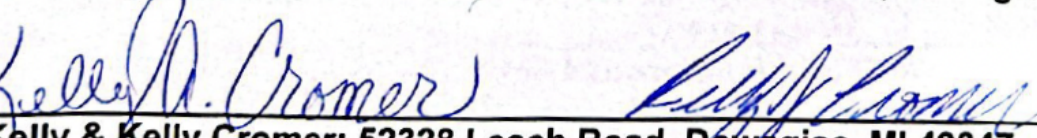
Sean & Traci Wightman: 51701 Leach Road, Dowagiac, MI 49047



John & JoAnne Wesolowski: 51731 Leach Road, Dowagiac, MI 49047



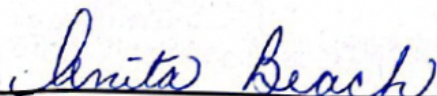
Anthony Grover & Raylene Ferris: 52246 Leach Road, Dowagiac, MI 49047



Kelly & Kelly Cromer: 52328 Leach Road, Dowagiac, MI 49047



Angela McDonald: 30155 Topash Street, Dowagiac, MI 49047



Anita Beach Life Estate: 52328 Brosnan Road, Dowagiac, MI 49047 owner of 30287 Topash St.
Dowagiac, MI 49047

Christopher Maxey

Frances Maxey

Christopher & Frances Maxey: 30284 Topash Street, Dowagiac, MI 49047

Blair McMeekan Sarah Marhanka

Blair McMeekan & Sarah Marhanka: 51977 Bakeman Road, Dowagiac, MI 49047

Mr & Mrs Frank Wesolowski

Frank & Marcella Wesolowski: 51970 Bakeman Road, Dowagiac, MI 49047

Dale & Candace Young

Dale & Candace Young Life Estate: 30626 Topash Street, Dowagiac, MI 49047

Philip Crawford Jennie Crawford

Philip & Jennie Crawford: owner of 51800 Bakeman Road, Dowagiac, MI 49047

Bruce & Carlie Baerg

Bruce & Carlie Baerg: 30906 Topash Street, Dowagiac, MI 49047

Joe & Pamela Moore

Joe & Pamela Moore: 30861 Topash Street, Dowagiac, MI 49047

Stephen & Tracy Byrd

Stephen & Tracy Byrd: 30875 Topash Street, Dowagiac, MI 49047

Thomas & Sharon Creameans

Thomas & Sharon Creameans: 51563 Townhall Road, Dowagiac, MI 49047

Charles & Denise Sobieski

Charles & Denise Sobieski: 51493 Townhall Road, Dowagiac, MI 49047

Cameron & Shawna Wyngarden

Cameron & Shawna Wyngarden: 51244 Bakeman Road, Dowagiac, MI 49047

Brian L Parmley

Brian Parmley Life Estate: 51900 Leach Road, Dowagiac, MI 49047

Paige Huston

Paige Huston: 51435 Townhall Road, Dowagiac, MI 49047

Michael & Kimberly Thorne

Michael & Kimberly Thorne: 52056 Leach Road, Dowagiac, MI 49047

Deborah Canniff

John & Deborah Canniff: 51447 Townhall Road, Dowagiac, MI 49047

Robin Valenzuela

Robin Valenzuela Life Estate: 51900 Bakeman Road, Dowagiac, MI 49047

Stephen & Claudia Zebell

Stephen & Claudia Zebell: Land, Leach Road, Dowagiac, MI 49047

EXHIBIT LIST

- Exhibit 1 MDARD email granting extension of appeal deadline
- Exhibit 2 51 people within ½ mile here and your list & Maps
- Exhibit 3 MDARD FOIA response (4/26/23 FOIA Response)
- Exhibit 4 MDARD FOIA response (5/19/23 FOIA selected documents)
- Exhibit 5 MDARD determination (spreadsheet and May 8, 2023 letter)

Exhibit 1



Lauren Wittorp <lwittorp@gmail.com>

Siting Appeal

Johnson, James (MDARD) <johnsonj9@michigan.gov>

Wed, May 31, 2023 at 10:19 AM

To: lwittorp <lwittorp@gmail.com>

Cc: "Wozniak, Michael (MDARD)" <WozniakM1@michigan.gov>, "Angerer, Kathleen (MDARD)" <AngererK@michigan.gov>

Ms. Wittorp,

You have requested an extension of the deadline to appeal the Silver Creek Poultry siting decision. I understand that in order for you to prepare your appeal, you submitted a FOIA to the department requesting, in part, the documents that were the basis for MDARD's determination.

Although MDARD's response to your FOIA request complied with the requirements of the Act, it did take the Department nine days to provide the requested documents. MDARD understands that this impacted the amount of time available to review the documents in advance of filing your appeal.

Under these particular circumstances, and in the interest of fairness, MDARD is extending the deadline for filing an appeal regarding the Silver Creek Poultry siting decision until 5:00 pm on Monday June 19th.

If you have any questions regarding this decision, please feel free to contact me.

James Johnson, Director

Environmental Stewardship Division

Michigan Department of Agriculture

and Rural Development

[525 W Allegan Street](#)

[Lansing, MI 48933](#)

Cell: 517-388-0481

Visit us at www.michigan.gov/mdard

Exhibit 2

Property Owner
MORENO JULIO 51150 LEACH RD DOWAGIAC, MI 49047
ERJ PROJECTS LLC 31726 SUNRISE AVE DOWAGIAC, MI 49047
HALL BRIAN & SUMMER 16123 CR 44 GOSHEN, IN 46526
HOFFMAN CHRISTOPHER Z 51266 LEACH RD DOWAGIAC, MI 49047
NODRUFF CHRISTOPHER R 701 SYCAMORE NILES, MI 49120
HASSLE INVESTMENTS LLC 28230 ELM ST DOWAGIAC, MI 49047
NODRUFF JOSHUA P 51490 LEACH RD DOWAGIAC, MI 49047
PARCE ROGER D & ADRIANE M 51527 LEACH RD DOWAGIAC, MI 49047
STEWART ANTHONY & NATASHA 26974 MARCELLUS HWY DOWAGIAC, MI 49047
ZEBELL STEPHEN J & CLAUDIA J T 105 N VILLAMERE DR DOWAGIAC, MI 49047-8423
WIGHTMAN SEAN & TRACI 51701 LEACH RD DOWAGIAC, MI 49047
MICHIGAN MATERIALS & AGGREGATES COM 2575 HAGGERTY RD STE 100 CANTON, MI 48188
WESOLOWSKI JOHN M & JOANNE L 51731 LEACH RD DOWAGIAC, MI 49047
CHAUS JOHN LIFE ESTATE MORRIS PAIGE & SCHAUS JACOB 29862 PRIEST ST DOWAGIAC, MI 49047
DONOVAN BISHOP PAUL V 215 N WESTNEDGE KALAMAZOO, MI 49006
PARMLEY BRIAN L LIFE ESTATE 51900 LEACH RD

DOWAGIAC, MI 49047
SACRED HEART OF MARY CHURCH 51841 LEACH RD DOWAGIAC, MI 49047
BISHOP DONALD H FUND 28230 ELM ST DOWAGIAC, MI 49047
THORNE MICHAEL D & KIMBERLY A 52056 LEACH RD DOWAGIAC, MI 49047
JET Y KAT FARM LLC 5707 N KILBOURN AVE CHICAGO, IL 60646
TINICH ANDREW J & MARY A 5707 N KILBOURN ST CHICAGO, IL 60646
SCHOFF PAULA & FRED 52216 LEACH RD DOWAGIAC, MI 49047
ROVER ANTHONY M & FERRIS RAYLENE A 52246 LEACH RD DOWAGIAC, MI 49047
CROMER KELLY A & KELLY J 52328 LEACH RD DOWAGIAC, MI 49047
MC DONALD ANGELA T 30155 TOPASH ST DOWAGIAC, MI 49047
MC DONALD ANGELA T 30155 TOPASH ST DOWAGIAC, MI 49047
BEACH ANITA LIFE ESTATE 52328 BROSAN RD DOWAGIAC, MI 49047
MAXEY CHRISTOPHER & FRANCES 30284 TOPASH ST DOWAGIAC, MI 49047
KLETT CONSTRUCTION CO 2575 HAGGERTY RD STE 100 CANTON, MI 48188
MC MEEKEN BLAIR & MARHANKA SARAH 51977 BAKEMAN RD DOWAGIAC, MI 49047
GRABEMEYER DONALD & DONNA 51558 INDIAN LAKE RD DOWAGIAC, MI 49047
WESOLOWSKI FRANK J 51970 BAKEMAN RD DOWAGIAC, MI 49047
VALENZUELA ROBIN LIFE ESTATE VALENZUELA LINDY 51900 BAKEMAN RD DOWAGIAC, MI 49047
YOUNG DALE A & CANDACE E LIFE ESTAT YOUNG CARRIE E & THOMAS A 30626 TOPASH ST DOWAGIAC, MI 49047
CRAWFORD PHILIP & JENNIE 31255 TOPASH ST DOWAGIAC, MI 49047
BAERG BRUCE & CARLIE 30906 TOPASH ST DOWAGIAC, MI 49047
MOORE JOEL H JR & PAMELA L TRUST 30861 TOPASH ST DOWAGIAC, MI 49047
BYRD STEPHEN & TRACY

30875 TOPASH ST DOWAGIAC, MI 49047
PRILLWITZ JERALD & MARILYN 51943 TOWNHALL RD DOWAGIAC, MI 49047
CREAMEANS THOMAS M 51563 TOWNHALL RD DOWAGIAC, MI 49047
SOBIESKI CHARLES & DENISE 51493 TOWNHALL RD DOWAGIAC, MI 49047
MELLEMA DARRYL L SR 51447 TOWNHALL RD DOWAGIAC, MI 49047
HUSTON PAIGE 51435 TOWNHALL RD DOWAGIAC, MI 49047
CANNIFF JOHN H & DEBORAH K 51447 TOWNHALL RD DOWAGIAC, MI 49047
A & B COSTANZA ENTERPRISES LLC 4485 RIVER RD SODUS, MI 49126
WYNGARDEN CAMERON J & SHAWNA L 51244 BAKEMAN RD DOWAGIAC, MI 49047
HARNER REAL ESTATE HOLDINGS LLC 3863 HARNER RD EAU CLAIRE, MI 49111
PAREDES DIEGO 51391 TOWNHALL RD DOWAGIAC, MI 49047-9289
YERENAS ANDRES JR ET AL 30111 M 152 DOWAGIAC, MI 49047
CROSS EXCAVATING & DEMOLITION LLC 52071 M 51 N DOWAGIAC, MI 49047

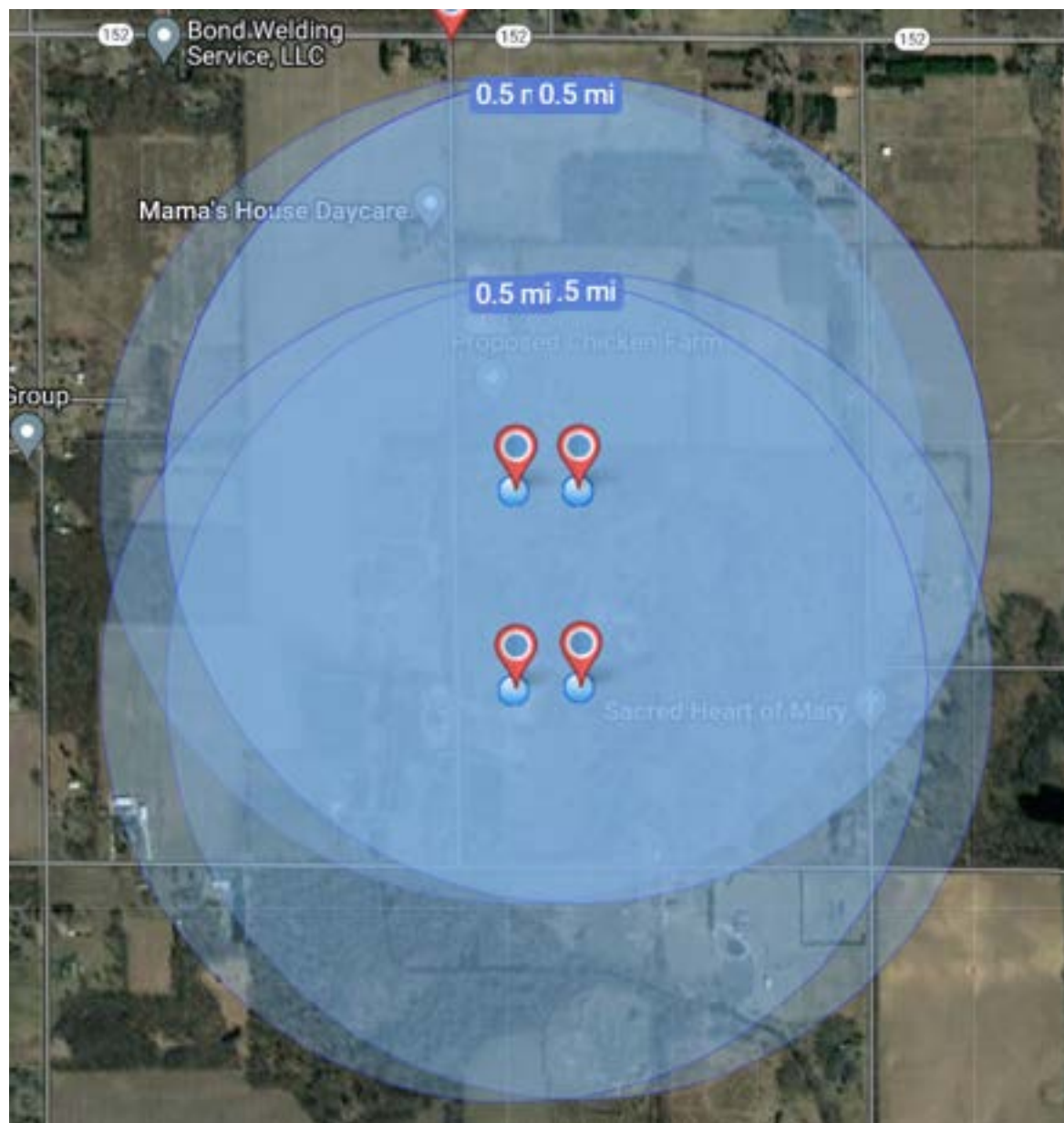


Exhibit 3



Water Well And Pump Record

Completion is required under authority of Part 127 Act 368 PA 1978.

Failure to comply is a misdemeanor.



Import ID:

Tax No:	Permit No:	County: Cass	Township: Silver Creek
Well ID: 14000008521		Town/Range: 05S 16W	Section: 10
Elevation:		Well Status: Active	WSSN:
Latitude: 42.04268		Source ID/Well No:	
Longitude: -86.14669		Distance and Direction from Road Intersection: North of Topash St on West side of Leach Road	
Method of Collection: GPS Std Positioning Svc SA Off		Well Owner: Brian Parmley	
		Well Address: 51900 Leach Road Dowagiac, MI 49047	Owner Address: 51900 Leach Road Dowagiac, MI 49047

Drilling Method: Rotary	Pump Installed: Yes	Pump Installation Only: No
Well Depth: 230.00 ft.	Pump Installation Date: 9/30/2015	HP: 0.50
Well Type: Replacement	Well Use: Household	Manufacturer: Goulds
Casing Type: PVC plastic	Date Completed: 9/30/2015	Model Number: 10CS05421C
Casing Joint: Solvent welded/glued	Height: 1.00 ft. above grade	Drop Pipe Length: 60.00 ft.
Casing Fitting: None		Drop Pipe Diameter: 1.25 in.
Diameter: 5.00 in. to 180.00 ft. depth SDR: 21.00		Draw Down Seal Used: No
5.00 in. to 220.00 ft. depth SDR: 17.00		Pressure Tank Installed: Yes
Borehole: 8.50 in. to 230.00 ft. depth		Pressure Tank Type: Diaphragm/bladder
		Manufacturer: Well-X-Trol
		Model Number: WX-250-UG
		Tank Capacity: 44.0 Gallons
		Pressure Relief Valve Installed: Yes

Static Water Level: 30.00 ft. Below Grade	Formation Description	Thickness	Depth to Bottom
Well Yield Test: Yield Test Method: Air	Brown Sand & Gravel	80.00	80.00
Pumping level 120.00 ft. after 1.00 hrs. at 50 GPM	Gray Sand & Silt	40.00	120.00
	Gray Clay & Sand Fine Stringers	72.00	192.00
Screen Installed: Yes	Gray Clay	27.00	219.00
Screen Diameter: 4.00 in.	Gray Sand	11.00	230.00
Filter Packed: Yes			
Blank: 0.00 ft.			
Screen Material Type: PVC-saw cut			
Screen Installation Type: Attached			
Slot Length Set Between			
15.00 10.00 ft. 220.00 ft. and 230.00 ft.			
Fittings: Bottom plug			

Well Grouted: Yes	Grouting Method: Grout pipe outside casing	Geology Remarks:
Grouting Material: Bentonite slurry	Bags: 18.00	
Additives: None	Depth: 0.00 ft. to 210.00 ft.	

Wellhead Completion: Pitless adapter	Drilling Machine Operator Name: Joseph F Schaus
Nearest Source of Possible Contamination:	Employment: Employee
Type: Septic tank	Pump Installer: EKelly Schaus
Distance: 65 ft.	
Direction: Southwest	

Abandoned Well Plugged: Yes	Contractor Type: Water Well Drilling Contractor	Reg No: 14-2025
	Business Name: Dohm Well Drilling, Inc.	
	Business Address: 55100 M-51 North, Dowagiac, MI, 49047	

Casing Diameter: 5 in.	Casing Removed: No	Water Well Contractor's Certification This well/pump was constructed under my supervision and I hereby certify that the work complies with Part 127 Act 368 PA 1978 and the well code. Signature of Registered Contractor _____ Date _____
Plugging Material: Bentonite slurry		
No. of Bags: 3.00	Well Depth: 100 ft.	

General Remarks:
Other Remarks:

Smith, Stacy (MDARD)

From: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Sent: Wednesday, April 5, 2023 10:32 AM
To: Korson, Jay (MDARD)
Subject: RE: Right to Farm - Silver Creek Poultry
Attachments: Silver Creek Signed Setback Letters.pdf

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

Attached are the letters. I'm working on the soil tests right now. I think I finally got what I needed from Joel. We have just over 900 acres. I need Melissa to help me with a couple of other things and hoping to get the rest of the questions answered tomorrow.

Mandy Gangwer
Agronomic Solutions LLC
PO Box 340
Topeka, IN 46571
(260) 593-2092
mandy@agronomicsolutionsllc.com

From: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Sent: Tuesday, April 4, 2023 1:48 PM
To: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Subject: RE: Right to Farm - Silver Creek Poultry

Hi Mandy,
We will try to locate any other wells during our site visit. Based on the aerial imagery the ones we don't have logs for are likely private or irrigation wells.

For the soil sampling question, we need to see that manure is applied at agronomic rates and that there is an adequate land base. If there are hotspots in a field, those areas should receive reduced rates or be avoided. I can see your dilemma with having 25 different results on a field.

I don't think the signed setback letters made it to me. I am not sure if those are coming with the KMZ or not.

Thanks

Jay Korson
c: 517-285-1918
o: 517-284-5618

*Michigan Department of Agriculture and Rural Development
Environmental Stewardship Division*

Right to Farm Program
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909

www.michigan.gov/righttofarm



From: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Sent: Friday, March 31, 2023 12:04 PM
To: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Subject: RE: Right to Farm - Silver Creek Poultry

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

I have a few answers for you on these and still working a few. I wanted to get you what we had and hopefully will have the rest answered next week.

1. I updated the KMZ file and added the Daycare as a public use area. The manure storage is 1,529ft from the property and 1,679 from the house. I will send the KMZ file next week with all the updates.
2. Attached are the signed setback letters.
3. I'm still working on this today. I think I have most of the information I need and we will update the manure management plan.
4. I'm still working on this, need to talk through it with Melissa.
5. I have a question on this one. What is the best way to locate wells. I found 3 well logs within the 2000'. One for House 1, one for house 2 and one for the daycare. I couldn't find well logs for any of the other houses. I used this website [GeoWebFace Map Page \(state.mi.us\)](http://GeoWebFaceMapPage.state.mi.us) to locate what wells I could and have added those to the KMZ file. Is there anything I need to do?
6. There will be a bathroom in the office area. The producer is aware that he will need to get a variance from the health department when the well is drilled.
7. I added this the KMZ file. The existing building is an old storage shed that the gravel uses as storage. I will send the update KMZ file next week.

The 2 engineering questions we are still working on.

Thanks,

Mandy Gangwer
Agronomic Solutions LLC
PO Box 340
Topeka, IN 46571
(260) 593-2092
mandy@agronomicsolutionsllc.com

From: Korson, Jay (MDARD) <KorsonJ@michigan.gov>

Sent: Thursday, March 16, 2023 7:24 PM

To: Mandy Gangwer <mandy@agronomicsolutionsllc.com>

Cc: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>; Doud, Laura (MDARD) <DoudL@michigan.gov>

Subject: Right to Farm - Silver Creek Poultry

Hi Mandy,

We have been reviewing the Silver Creek Poultry Application and have a few requests for additional information.

1. The residence to the north of the facility is a licensed daycare, we need to confirm that this property is greater than 1,500' from the northern manure storage.
2. The initial property line setbacks for a new category 2 facility (250-499AU) is 300', MDARD can grant a reduction to 250' based on a written request and items in the Odor Management Plan.
3. We will also need to review a manure management plan that includes the utilization (crop plan, soil tests, etc), record keeping and odor management sections. Manifest agreements are not acceptable when the principal owner is identified in both sides of the agreement.
4. A mortality management plan. [See Pg. 16 of Site Selection GAAMPs](#), and the 2023 updates to the [2023 Care of Farm Animal GAAMPs](#)
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7. Finally, please include labeling for non-farm structures on the property, as well as planned or existing septic systems, utilities, and drainage patterns. As identified in [Attachment 11 of the Livestock Siting Application](#).

Below are initial inquiries made by MDARD engineers.

1. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability.
2. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage.

Feel free to call if you wish to discuss these items.

Thanks, and have a great day.

Jay Korson

c: 517-285-1918

o: 517-284-5618

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525 West Allegan Street
P.O. Box 30017
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Jay Korson

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Lansing, MI 48909*

www.michigan.gov/righttofarm



Smith, Stacy (MDARD)

From: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Sent: Monday, March 27, 2023 3:51 PM
To: Korson, Jay (MDARD)
Subject: RE: Right to Farm - Silver Creek Poultry

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Question on the manure management plan. I have finally got some of the soil test info and maps from Joel. Do the fields have to be broken down into 20 acres or less? The issue I'm running into are the fields were grid sampled but I'm having problems tracking down the soil test point maps. For example, I'm working on 69 acre field that has 25 points. Can I just average those 25 results into 1 composite sample for the entire 69 acres or do I need to track down the point maps and split the field into 4 different sections.

Thanks,

Mandy Gangwer
Agronomic Solutions LLC
PO Box 340
Topeka, IN 46571
(260) 593-2092
mandy@agronomicsolutionsllc.com

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Sent: Thursday, March 16, 2023 7:24 PM
To: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
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Smith, Stacy (MDARD)

From: Korson, Jay (MDARD)
Sent: Monday, April 10, 2023 9:58 AM
To: Wozniak, Michael (MDARD); McCarty, Kyle (MDARD)
Subject: RE: Right to Farm - Silver Creek Poultry

You are correct. Thanks

Jay Korson
c: 517-285-1918
o: 517-284-5618

*Michigan Department of Agriculture and Rural Development
Environmental Stewardship Division
Right to Farm Program
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909*

www.michigan.gov/righttofarm



From: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>
Sent: Monday, April 10, 2023 9:58 AM
To: McCarty, Kyle (MDARD) <McCartyK@michigan.gov>
Cc: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Subject: FW: Right to Farm - Silver Creek Poultry

I think you meant to send this to kyle.

*Michael Wozniak, PE
MDARD, ESD, Right to Farm Program
517-285-1752*

From: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Sent: Monday, April 10, 2023 9:55 AM
To: Rogers, Erica (MDARD) <RogersE5@michigan.gov>
Cc: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>
Subject: FW: Right to Farm - Silver Creek Poultry

Updates to Silver Creek.

Jay Korson
c: 517-285-1918
o: 517-284-5618

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Environmental Stewardship Division
Right to Farm Program*

525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909

www.michigan.gov/righttofarm



From: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Sent: Thursday, April 6, 2023 3:32 PM
To: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Cc: Joel Layman <joel.laymanfarms@gmail.com>
Subject: RE: Right to Farm - Silver Creek Poultry

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

Attached should be everything you. We copied the email to a word document and then made our answers in red. I've also attached the updated KMZ file, updated manure management plan, well logs (I could fine) and the property setback letters. The only thing we are still waiting on is the final elevations.

Thanks,

Mandy

From: Korson, Jay (MDARD) <KorsonJ@michigan.gov>
Sent: Thursday, March 16, 2023 7:24 PM
To: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Cc: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>; Doud, Laura (MDARD) <DoudL@michigan.gov>
Subject: Right to Farm - Silver Creek Poultry

Hi Mandy,

We have been reviewing the Silver Creek Poultry Application and have a few requests for additional information.

1. The residence to the north of the facility is a licensed daycare, we need to confirm that this property is greater than 1,500' from the northern manure storage.
2. The initial property line setbacks for a new category 2 facility (250-499AU) is 300', MDARD can grant a reduction to 250' based on a written request and items in the Odor Management Plan.
3. We will also need to review a manure management plan that includes the utilization (crop plan, soil tests, etc), record keeping and odor management sections. Manifest agreements are not acceptable when the principal owner is identified in both sides of the agreement.
4. A mortality management plan. [See Pg. 16 of Site Selection GAAMPs](#), and the 2023 updates to the [2023 Care of Farm Animal GAAMPs](#)
5. Well logs and locations for irrigation, private and possible public wells within 2,000' of the facility. As identified in [Attachment 11 of the Livestock Siting Application](#)
6. If the planned well is to serve a bathroom, sink, shower, or if there are non-family employees at the facility, then the well placement will need a variance from the local health department.

7. Finally, please include labeling for non-farm structures on the property, as well as planned or existing septic systems, utilities, and drainage patterns. As identified in [Attachment 11 of the Livestock Siting Application](#).

Below are initial inquiries made by MDARD engineers.

1. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability.
2. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage.

Feel free to call if you wish to discuss these items.

Thanks, and have a great day.

Jay Korson

c: 517-285-1918

o: 517-284-5618

*Michigan Department of Agriculture and Rural Development
Environmental Stewardship Division
Right to Farm Program
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909*

www.michigan.gov/righttofarm



Smith, Stacy (MDARD)

From: Ryan Laylin <ryanl@cassco.org>
Sent: Monday, March 6, 2023 8:34 PM
To: Korson, Jay (MDARD)
Subject: Silver Creek Poultry LLC

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

Good evening. Commissioner Ryan Laylin, Cass County. I've answered about 55 phone calls and still working on emails regarding this application from Silver Creek Poultry LLC on Bakeman road in Silver Creek Township, Cass County, Michigan. I guess it was sent to a few property owners.

Can we have a phone conversation so, I might be able to can get more details on this, before I get overwhelmed with people in opposition.

Email is totally acceptable if easier for you.

Thank you and look forward to hearing from you.

Ryan Laylin
Vice Chair
Cass County Commissioner
District 1

269-414-8370

120 N Broadway
Cassopolis, MI 49031

Smith, Stacy (MDARD)

From: Mandy Gangwer <mandy@agronomicsolutionsllc.com>
Sent: Wednesday, March 1, 2023 12:41 PM
To: Korson, Jay (MDARD)
Cc: MDARD-livestocksiting
Subject: Silver Creek Poultry Siting Application
Attachments: Silver Creek Siting App 3.1.23.pdf; Silver Creek Poultry LLC.kmz; Layer Barn 42'x500'.tif; Manure Stack-Foundation_SIGNED.pdf

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

Attached is an application for Silver Creek Poultry LLC. They are proposing a 45,000 head layer facility with two manure storages. The prints are attached in separate files. If you need anything else, please let me know.

Thanks,

Mandy Gangwer

Agronomic Solutions LLC

PO Box 340

Topeka, IN 46571

(260) 593-2092

mandy@agronomicsolutionsllc.com

Smith, Stacy (MDARD)

From: Doud, Laura (MDARD)
Sent: Tuesday, March 14, 2023 3:54 PM
To: Korson, Jay (MDARD)
Cc: Wozniak, Michael (MDARD)
Subject: Silver Creek Siting Review

Jay,

The following items may require additional information:

1. The application indicates the well will be 155 feet from the buildings. If the building has a sink, bathroom, or employees, that would be considered a public water supply. The producer will need to obtain the proper well permits from the local health department, and the well must be constructed at the specified isolation distance in the permit, for final conformance.
2. The application does not outline the procedures and/or storage for routine mortality management.
3. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability.
4. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage.

Sincerely,

LAURA DOUD, P.E.

MDARD | LICENSED ENGINEERING SPECIALIST
phone 517.898.4041 | email doudl@michigan.gov
525 W. Allegan St., Lansing, MI 48933

Smith, Stacy (MDARD)

From: Korson, Jay (MDARD)
Sent: Thursday, March 16, 2023 7:24 PM
To: Mandy Gangwer
Cc: Wozniak, Michael (MDARD); Doud, Laura (MDARD)
Subject: Right to Farm - Silver Creek Poultry

Hi Mandy,

We have been reviewing the Silver Creek Poultry Application and have a few requests for additional information.

1. The residence to the north of the facility is a licensed daycare, we need to confirm that this property is greater than 1,500' from the northern manure storage.
2. The initial property line setbacks for a new category 2 facility (250-499AU) is 300', MDARD can grant a reduction to 250' based on a written request and items in the Odor Management Plan.
3. We will also need to review a manure management plan that includes the utilization (crop plan, soil tests, etc), record keeping and odor management sections. Manifest agreements are not acceptable when the principal owner is identified in both sides of the agreement.
4. A mortality management plan. [See Pg. 16 of Site Selection GAAMPs](#), and the 2023 updates to the [2023 Care of Farm Animal GAAMPs](#)
5. Well logs and locations for irrigation, private and possible public wells within 2,000' of the facility. As identified in [Attachment 11 of the Livestock Siting Application](#)
6. If the planned well is to serve a bathroom, sink, shower, or if there are non-family employees at the facility, then the well placement will need a variance from the local health department.
7. Finally, please include labeling for non-farm structures on the property, as well as planned or existing septic systems, utilities, and drainage patterns. As identified in [Attachment 11 of the Livestock Siting Application](#).

Below are initial inquiries made by MDARD engineers.

1. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability.
2. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage.

Feel free to call if you wish to discuss these items.

Thanks, and have a great day.

Jay Korson

c: 517-285-1918

o: 517-284-5618

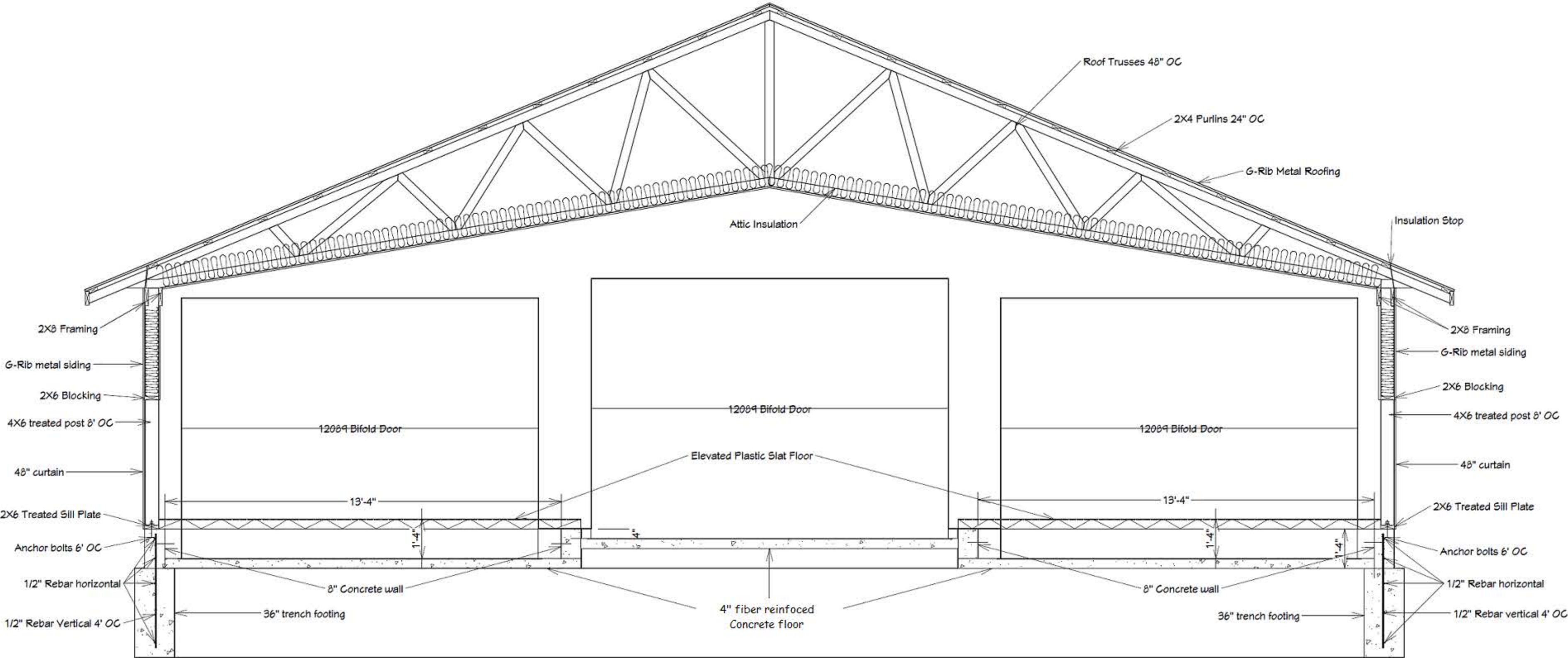
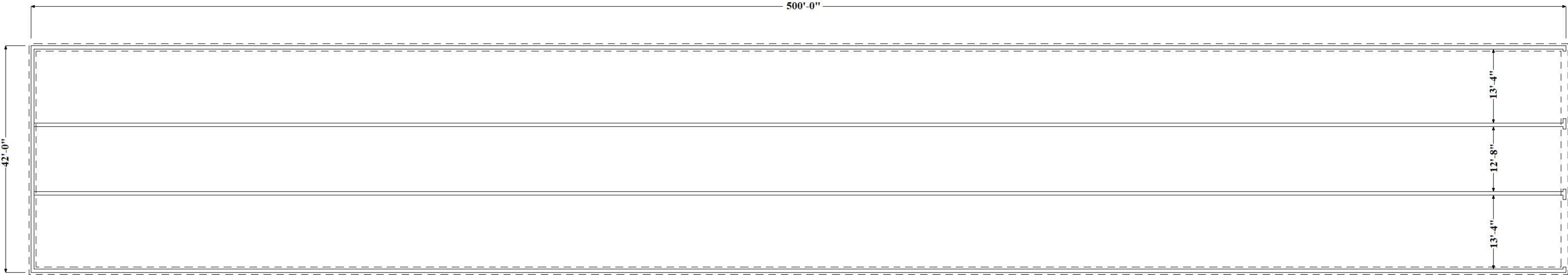
*Michigan Department of Agriculture and Rural Development
Environmental Stewardship Division
Right to Farm Program
525 West Allegan Street
P.O. Box 30017*

Lansing, MI 48909

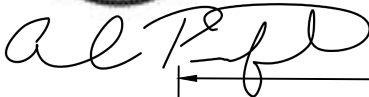
www.michigan.gov/righttofarm



42'x500 Layer Barn



Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102

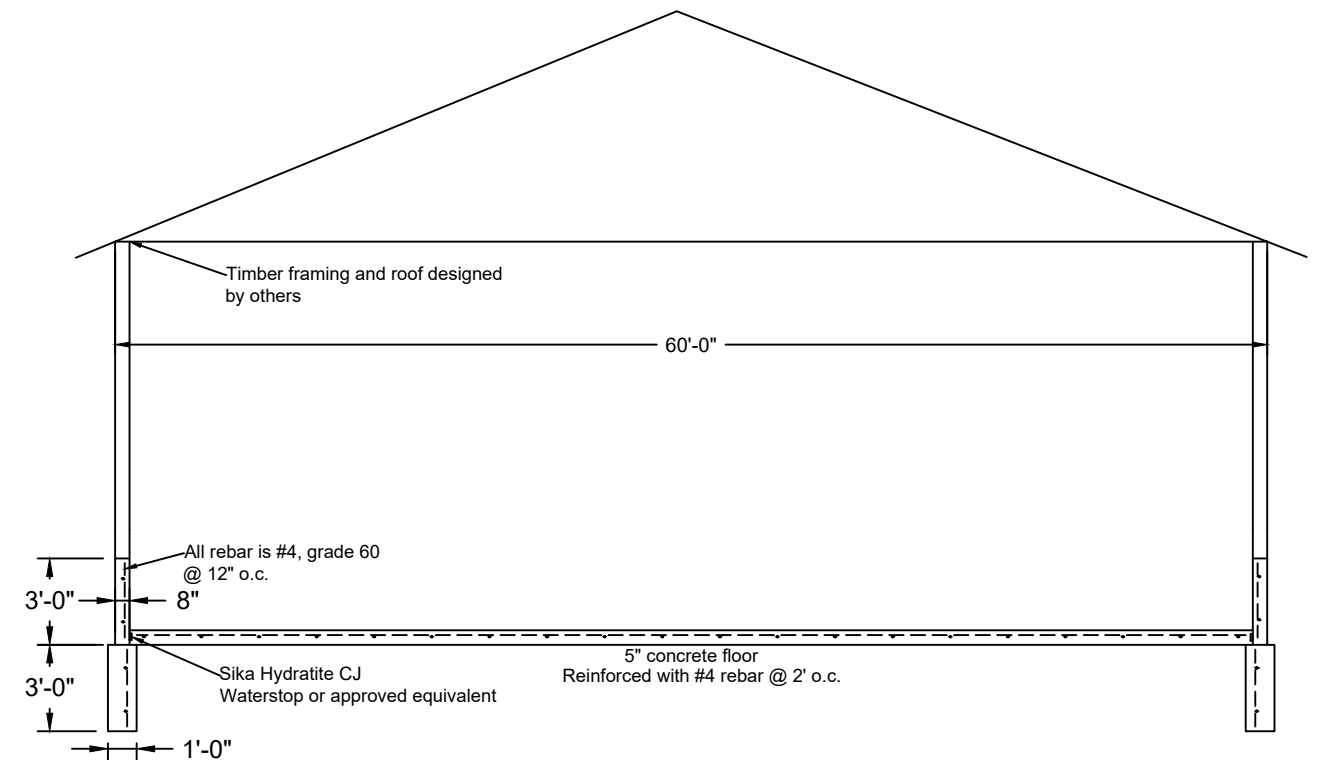


Top View

60'-0"

CONCRETE

2. ALL EDGES OF FORMED CONCRETE THAT IS TO BE EXPOSED SHALL BE CHAMFERED 1 IN.
3. CLEAR COVER OF CONCRETE OVER REINFORCING STEEL SHALL BE 2 INCHES UNLESS OTHERWISE SHOWN.
4. REFER TO THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLING WATERSTOP MATERIAL.



Agronomic Solutions LLC
PO B0x 340
Topeka, IN 46571

Manure Storage

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102

Sheet

1 of 1

Silver Creek Poultry LLC
Cass County

Request for Additional Information

1. The residence to the north of the facility is a licensed daycare, we need to confirm that this property is greater than 1,500' from the northern manure storage. **This has been added to the updated and attached KMZ file and is labelled as Public Use Area - Daycare. The closest AFO building of the complex is 1,529ft from the property line and 1,679ft from the house.**
2. The initial property line setbacks for a new category 2 facility (250-499AU) is 300', MDARD can grant a reduction to 250' based on a written request and items in the Odor Management Plan. **The property line waiver setback letters are attached.**
3. We will also need to review a manure management plan that includes the utilization (crop plan, soil tests, etc), record keeping and odor management sections. Manifest agreements are not acceptable when the principal owner is identified in both sides of the agreement.
4. A mortality management plan. See Pg. 16 of Site Selection GAAMPs, and the 2023 updates to the 2023 Care of Farm Animal GAAMPs. **We have updated this section of the Siting Application to add more details and information on how the dead birds will be composted at the site, see revised mortality management plan.**
5. Well logs and locations for irrigation, private and possible public wells within 2,000' of the facility. As identified in Attachment 11 of the Livestock Siting Application. **We went to the MI Wellogic website and were able to locate three well logs that we printed and attached with this update. We believe that records found were for the following: One for House 1, House 2 and the Daycare.**
6. If the planned well is to serve a bathroom, sink, shower, or if there are non-family employees at the facility, then the well placement will need a variance from the local health department. **The producer will get a variance with the local health department when the new well is drilled.**
7. Finally, please include labeling for non-farm structures on the property, as well as planned or existing septic systems, utilities, and drainage patterns. As identified in Attachment 11 of the Livestock Siting Application. **The existing building is a storage shed that the Quarry used. It has been added to the KMZ file. We are unsure if the structure will stay after the site has been developed. There is no septic system installed at the site.**

Below are initial inquiries made by MDARD engineers.

1. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability. **The excavator is in charge of the site preparation, and he has a plan to make sure that the fill areas are properly compacted before construction begins. They are planning to use a single drum vibrating compactor to compact every 12"-24" of fill as the site is being prepared.**
2. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage. **All of the buildings proposed at the site will be constructed at the same grade. The P6 north stack will be below existing grade 3ft, the P5 south stack will be raised 4.3 ft from the existing grade. I am still waiting for the drone topo data to be calibrated to the proper sequence to be able to give you the final finish grade feet in above sea level elevation numbers.**



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

KATHLEEN ANGERER
ACTING DIRECTOR

March 8, 2023

Silver Creek Poultry
Joel Layman
7850 Lake Road
Berrien Center, MI 49102

RE: Receipt of Application

To Joel Layman:

This letter acknowledges the receipt of your application on March 1, 2023, for a determination of conformance with the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs). This request is for construction of a new layer facility located at 51501 Bakeman Road, Dowagiac, Michigan, Silver Creek Township, Cass County.

The Michigan Department of Agriculture and Rural Development (MDARD), Right to Farm Program, has started its review of the information that has been submitted. If your request includes all the information necessary to determine conformance with the Site Selection GAAMPs, MDARD will notify you within 30 working days. If additional information is required, MDARD will contact you and the process may take longer.

You are advised that this letter is not a determination of conformance with the Site Selection GAAMPs. **MDARD does not recommend you begin construction or site improvements at this point.**

By copy of this letter, as required by the Site Selection GAAMPs, Silver Creek Township and Cass County is being notified of your application for determination of conformance with these GAAMPs.

Please contact me with any questions at 517-285-1918.

Sincerely,

Jay Korson
Right to Farm Program

cc: Cass County Clerk
Silver Creek Township Clerk

Appendix C

Facility Site Selection and Setback Variance Agreement

I, Joshua Nodruff, do not object to Silver Creek Poultry LLC of ~51501 Bakeman Rd Dowagiac, MI, constructing a layer facility approximately 250 feet from my property. I also understand that the recommending setback distance is 300 feet from my property as listed in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for new and Expanding Livestock Facilities provided by the Michigan Department of Agriculture and Rural Development (MDARD).

Signed:



Name: (please print)

Joshua Nodruff

Address:

51490 Leach Rd

Date:

3/23/23

Appendix C

Facility Site Selection and Setback Variance Agreement

I, Michigan Materials & Aggregates Company, do not object to Silver Creek Poultry LLC of ~51501 Bakeman Rd Dowagiac, MI, constructing a layer facility approximately 250 feet from my property. I also understand that the recommending setback distance is 300 feet from my property as listed in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for new and Expanding Livestock Facilities provided by the Michigan Department of Agriculture and Rural Development (MDARD).

Signed: Tony Halloran

Name: (please print) Tony Halloran

Address: 3700 Patterson Rd Middleville MI 49333

Date: 3-23-23

Michigan Department of Agriculture

Right to Farm Program

LIVESTOCK PRODUCTION FACILITY SITING REQUEST

For:

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102
Cass County

Location:

~51501 Bakeman Rd
Dowagiac, MI 49047

Prepared By:

Agronomic Solutions, LLC
Melissa Lehman
PO Box 340
Topeka, IN 46571
(260) 593-2092

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102

Michigan Department of Agriculture
PO Box 30017
Lansing, MI 48909

To Whom It May Concern,

We are proposing to build a new layer operation located at ~51501 Bakeman Rd., Dowagiac, MI in Cass County, Silver Creek Township. We are looking to build a 4 - 42'x500' layer barns and 2 - 60'x60'x3' manure storages that will house a total of 45,000 layers. There will be 45,000 layers on-site after construction is complete for a total of 450 AU.

The proposed barns and manure storages will meet all of the setback requirements listed in the Siting GAAMP.

We are asking MDA to review the enclosed Siting application to build a new operation.

Sincerely,



Silver Creek Poultry LLC

Livestock Site Selection Application

Applicant Information

Owner Name:	Silver Creek Poultry LLC	Mailing Address	7850 Lake Rd		
Farm Name:		City	Berrien Center	State	MI
Phone Number	(269) 208-5899	Zip	49102		
Phone Number		Alternative Contact			
Phone Number		Phone Number			
Email		Phone Number			

Proposed Project Location

Technical Service Provider

Site Address				~51501 Bakeman Rd		Business Name		Agronomic Solutions LLC	
City	Dowagiac	State	MI	Zip	49047	Primary Contact			
						Melissa Lehman			
County	Cass	Township	Silver Creek	Section	10	Phone Number		(260) 593-2092	Phone Number
Crossroads	Bakeman Rd & Topash St	Latitude	42.046572	Longitude	-86.154513	Email		melissa@agronomicsolutionsllc.com	

Siting Request Letter: Attachment 1

Included	Letter from responsible party requesting siting review with an overview of the proposed project, including where the project is being proposed
<input checked="" type="checkbox"/>	
Included	Letter is signed
<input checked="" type="checkbox"/>	

Project Time Table

Construction Start	Summer 2023	Construction Finish	July 2023
--------------------	-------------	---------------------	-----------

Proposed Animal Additions

Livestock Type	Average Weight	Number	Animal Units
Layers	4 lb	45,000	450
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
			Total Animal Units
			450

Existing Livestock

Livestock Type	Average Weight	Number	Animal Units
N/A			
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
Livestock Type	Average Weight	Number	Animal Units
			Total Animal Units

New or Expanding Facility

	Total Animal Units
Check if Yes <input type="checkbox"/>	Greater than 100% holding capacity increase and total AU is greater than 749
Check if Yes <input type="checkbox"/>	Expansion within 3 years of a previous MDARD final conformance of a New Livestock Production Facility and total AU is greater than 749.
Check if Yes <input type="checkbox"/>	Expansion within 3 years of a previous MDARD final conformance of an Expanded Livestock Production Facility, with both expansions totaling greater than 100% holding capacity, and total AU is greater than 749.
Check if Yes <input checked="" type="checkbox"/>	No preexisting livestock on site or more than 1,000 ft from another site under common ownership
If any of the above boxes are checked yes, then this is a new facility	
Check if Yes <input checked="" type="checkbox"/>	New Facility
Check if Yes <input type="checkbox"/>	Expanding Facility

Proposed Housing Type

Facility type	Design	Size
Under-roof Litter Storage (P1)	Concrete floor	42'x500' (bird space)
Facility type	Design	Size
Under-roof Litter Storage (P2)	Concrete floor	42'x500' (bird space)
Facility type	Design	Size
Under-roof Litter Storage (P3)	Concrete floor	42'x500' (bird space)
Facility type	Design	Size
Under-roof Litter Storage (P4)	Concrete floor	42'x500' (bird space)
Facility type	Design	Size

Existing Housing Type

Facility Type	Design	Size	Year Built
N/A			
Facility Type	Design	Size	Year Built
Facility Type	Design	Size	Year Built
Facility Type	Design	Size	Year Built
Facility Type	Design	Size	Year Built

Proposed Manure Storage Type

Storage Type	Design	Size
Dry Stack (P5)	Concrete floor & sidewalls	60'x60'x3'
Storage Type	Design	Size
Dry Stack (P6)	Concrete floor & sidewalls	60'x60'x3'
Storage Type	Design	Size
Storage Type	Design	Size
Storage Type	Design	Size

Existing Manure Storage Type

Storage Type	Design	Size	Year Built
N/A			
Storage Type	Design	Size	Year Built
Storage Type	Design	Size	Year Built
Storage Type	Design	Size	Year Built
Storage Type	Design	Size	Year Built

50-749 Animal Units; Attachment 2

	Number of non-farm residences w/in 1/4 mile
Included <input checked="" type="checkbox"/>	Attach list including, name, address, and phone number – identifying how they were notified of the proposed project (See Appendix A)

750 or More Animal Units; Attachment 2

	Number of non-farm residences w/in 1/2 mile
--	---

Included <input type="checkbox"/>	Attach list including, name, address, and phone number – identifying how they were notified of the proposed project (See Appendix A)
--------------------------------------	--

Site Category – Property Lines

2	Siting Category (Consult Tables 2-5 of the Site Selection GAAMPs)			
300	GAAMPs Property Line Setback			
250	Minimum Property Line Setback			
Proposed Setback	North 250	East 500	South 250	West 335
Signed Variance Included	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>
Reduction Request	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>

Offset Model: Attachment 3

Included <input checked="" type="checkbox"/>	MI OFFSET 2018 Centroid Worksheet with source centers		
Included <input checked="" type="checkbox"/>	Odor Print		
Factor 9.8	Odor Emission Factor		
Included <input type="checkbox"/>	Odor reduction factors include documentation of justification		
Centroid Location	Latitude	42.046572	Longitude -86.154513

Surrounding Property Owners; Attachment 4; 5; 6; 7

Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>	Appendix A: Certification of Notification of Non-Farm Residences
Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Appendix B: Facility Site Selection and Odor Variance Agreement
Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>	Appendix C: Facility Site Selection and Setback Variance Agreement
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>	Appendix D: Manure Application Agreement

Construction Details – Required for Construction Approval; Attachment 8; 9

Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>	Signed and Stamped Preconstruction Drawings
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>	Subsurface Investigation

Manure Management System Plan Components: Attachment 10;

Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>					Production - amount or volume of manure and other agricultural by-products produced and milk house wastewater.																									
Animal Type	Housing:	Weight (lbs):	# Head	A.U.	Days/Year	Storage Type	Tons/Year	FG/Year	Gal/Year	N (lb/gal)	P ₂ O ₅ (lb/gal)	K ₂ O (lb/gal)																		
			Totals:	XX			XX	XX	XX	xx	xx	xx																		
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>				Collection - how manure and other by-products are gathered for management																										
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>				Storage - type, size, capacity, location, and estimated storage time																										
				<table border="1"> <tr> <th>Storage ID</th> <th>Storage type</th> <th>Capacity</th> <th>Units</th> <th>Annual Collected</th> <th>Days Storage</th> </tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>									Storage ID	Storage type	Capacity	Units	Annual Collected	Days Storage												
Storage ID	Storage type	Capacity	Units	Annual Collected	Days Storage																									
Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>				Transfer - movement between production, collection, storage, treatment, or land application																										
Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>				Treatment - before, during, or after storage - physical, biological, chemical, solid/liquid separation, composting																										
Included <input type="checkbox"/> or NA <input checked="" type="checkbox"/>				Utilization - end use of the manure nutrients analysis, crops to be grown with realistic yield goals, application scheduling (If additional acres are needed for manure utilization, See Appendix D to																										

Crop	Bray P1 (ppm) soil P	Avg. Yield	Unit per acre	Spread- able Acres	N/Ac Remove d (lb)	Total N Lb	P ₂ O ₅ /Ac Removed (lb)	Total P ₂ O ₅ Lb	K ₂ O/Ac Remove d (lb)	Total K ₂ O Lb
				Totals:	XX			XX	XX	XX
					Nitrogen	P ₂ O ₅	K ₂ O			
				Available from manure						
				Needed by Crops						
				Balance						
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>				Recordkeeping - documentation of activities related to manure handling and utilization						
Included <input checked="" type="checkbox"/> or NA <input type="checkbox"/>				Odor Management - practices to be followed to achieve effective odor control. Includes detailed information related to any OFFSET model reduction technologies or practices, as well as description of operation and maintenance of these.						

Appendix A

Certification of Notification of Non-farm Residences

I, Silver Creek Poultry LLC (Joel Layman), am constructing a new layer facility. As required in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities, I certify that I have notified the following residences within ¼ mile distance from my facility by way of letter through registered mail:

Name	Address	Notification Method	Resident Signature (optional)
Robin Valenzuela	51900 Bakeman Rd Dowagiac, MI 49047	Letter	
Frank Wesolowski	51970 Bakeman Rd Dowagiac, MI 49047	Letter	
Brian McMeeken & Sarah Marhanka	203 N Center Hartford, MI 49057	Letter	
Christopher & Frances Maxey	30284 Topash St Dowagiac, MI 49047	Letter	
Anita Beach Life Estate	52328 Brosnan Rd Dowagiac, MI 49047	Letter	
Dale & Candance Young Life Estate	30626 Topash St Dowagiac, MI 49047	Letter	

Name: Silver Creek Poultry LLC (Joel Layman)

Address: 7580 Lake Rd Berrien Center, MI 49102

Signature: 

Date: 2-20-23

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

You are hereby notified that an application has been made to the Michigan Department of Agriculture Right to Farm Program for the following described operation:

Applicant / Operation Name: Silver Creek Poultry LLC (Joel Layman)
Date Application Submitted: 3/1/2023

Operation Location:

Nearest Crossroads / Address ~51501 Bakeman Rd., Dowagiac, MI 49047
Nearest City / Town Dowagiac
County Cass
Political Township Silver Creek
USGS Section/Township/Range Section 10 / T5S / R16W

Brief Description of Application:

The producer is proposing to build 4 layer barns and 2 manure storages. The layer barns will be 42'x500' each and the manure storages will be 60'x60' each. Each of the barns will house 11,250 layer birds on sawdust. There will be a total of 45,000 layers on site once completed. All of the litter from this operation will be distributed off site to local farmers.

Questions regarding the location or other aspects of the application should be addressed to:

Applicant's Name: Silver Creek Poultry LLC (Joel Layman)
Address: 7850 Lake Rd
City/State/ZIP: Berrien Center, MI 49102
Phone Number: (269) 208-5899

This Siting Application will be reviewed by the MDA Michigan Department of Agriculture to ensure that it meets all of the States rules, setbacks and acceptable management practices. The reviewer for this application will be:

Jay Korson, MDA Right to Farm Program
korsonj@michigan.gov

Appendix D

MANURE APPLICATION AGREEMENT

I, Joel D. Layman, (crop producer) agree to accept manure from the Silver Creek Poultry LLC farm located at ~51501 Bakeman Rd Dowagiac, MI 49047 (address) for application to my cropland. I agree to manage the manure in accordance with the Generally Accepted Agricultural and Management Practices for Manure Management and Utilization (provided) developed under the Right to Farm Act (PA 93 of 1981, as amended). I currently own/farm 2200 acres of cropland in a Corn, Bean, hay, and Small Grain rotation. The duration of this agreement will be _____ (number) years from date of signing below.

Signature: Joel D. Layman JD Layman Farms Inc
Address: 7850 Lake Rd Berrian Center MI
Date: 2-22-23

Michigan Department of Agriculture
Right to Farm Program

SITE PLANS & MAPS

For:

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102
Cass County

Prepared By:

Agronomic Solutions, LLC
Melissa Lehman
PO Box 340
Topeka, IN 46571
(260) 593-2092

Digital Mapped File (KMZ File Preferred); Attachment 11

If attached file is not a .kmz; the file(s) must include an accurate scale.

Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Farm animal housing or manure storages that contribute to Odor Plume using Red polygon outline, labeled with placemark
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Created 1/2 or 1/4 mile radius (as appropriate) from the edges of the facility in Red circle measures . Edges of the facility are defined as corners of the smallest polygon encompassing all of the animal housing and manure storages of a livestock facility.
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Farm Facilities that do not contribute to Odor Plume, Green polygon outline, labeled with placemark
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Plotted non-farm residences in WHITE and numbered (1/2 mile or 1/4 mile, as appropriate). Farm residence plotted as Green placemarks . Names and addresses provided in description of each point.
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Property lines, easements, right-of-way and any deed restrictions in Tan polygon outline . Took linear measures from edges of the facility in Yellow .
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Wetlands, floodplains, lakes, streams, public drains and other bodies of water within 500 ft. of the edges of the facility in Dark blue polygon outline. Tile lines, septic fields or surface drains within 100 ft. of the edges of the facility as Dark blue lines, polygons, or points respectively. Provide detail in description.
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Wells within 2,000 ft. of the production facility. Denoted in Light blue placemark, labeled by type . Took linear measures from edges of the facility in Yellow .
Yes <input checked="" type="checkbox"/> or <input type="checkbox"/>	No <input type="checkbox"/>	No well meets the following criteria: Type IIA w/in 2,000, Type IIB or Type III w/in 800 or Private Well w/in 75'.
Included <input type="checkbox"/> or <input checked="" type="checkbox"/>	NA <input checked="" type="checkbox"/>	For wells with a variance, Health Department or EGLE Variance. Wells with a variance should be indicated with a yellow star icon
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Outlined all high public use areas: Purple polygon outline , include name and address provided in description. Took linear measures from edges of the facility in Yellow .
Included <input type="checkbox"/> or <input checked="" type="checkbox"/>	NA <input checked="" type="checkbox"/>	Confirmed the location of migrant labor housing camps in the area, mapped in Olive polygon outline . Took linear measurements in Yellow , greater than 500 ft.
Included <input type="checkbox"/> or <input checked="" type="checkbox"/>	NA <input checked="" type="checkbox"/>	Overlay any EGLE wellhead protection areas in Pink polygon outline .
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Submitted image overlays of soil types and topography of the site and surrounding 1/4 mile radius.
Included <input type="checkbox"/> or <input checked="" type="checkbox"/>	NA <input checked="" type="checkbox"/>	Confirmed an accurate 100-year flood plain as Dark blue polygon.
Included <input checked="" type="checkbox"/> or <input type="checkbox"/>	NA <input type="checkbox"/>	Mapped the MI OFFSET 95% annoyance boundary and centroid for the facility as an Orange polygon outline , with the centroid denoted as a Black point labeled with total emission factor.

Acknowledged

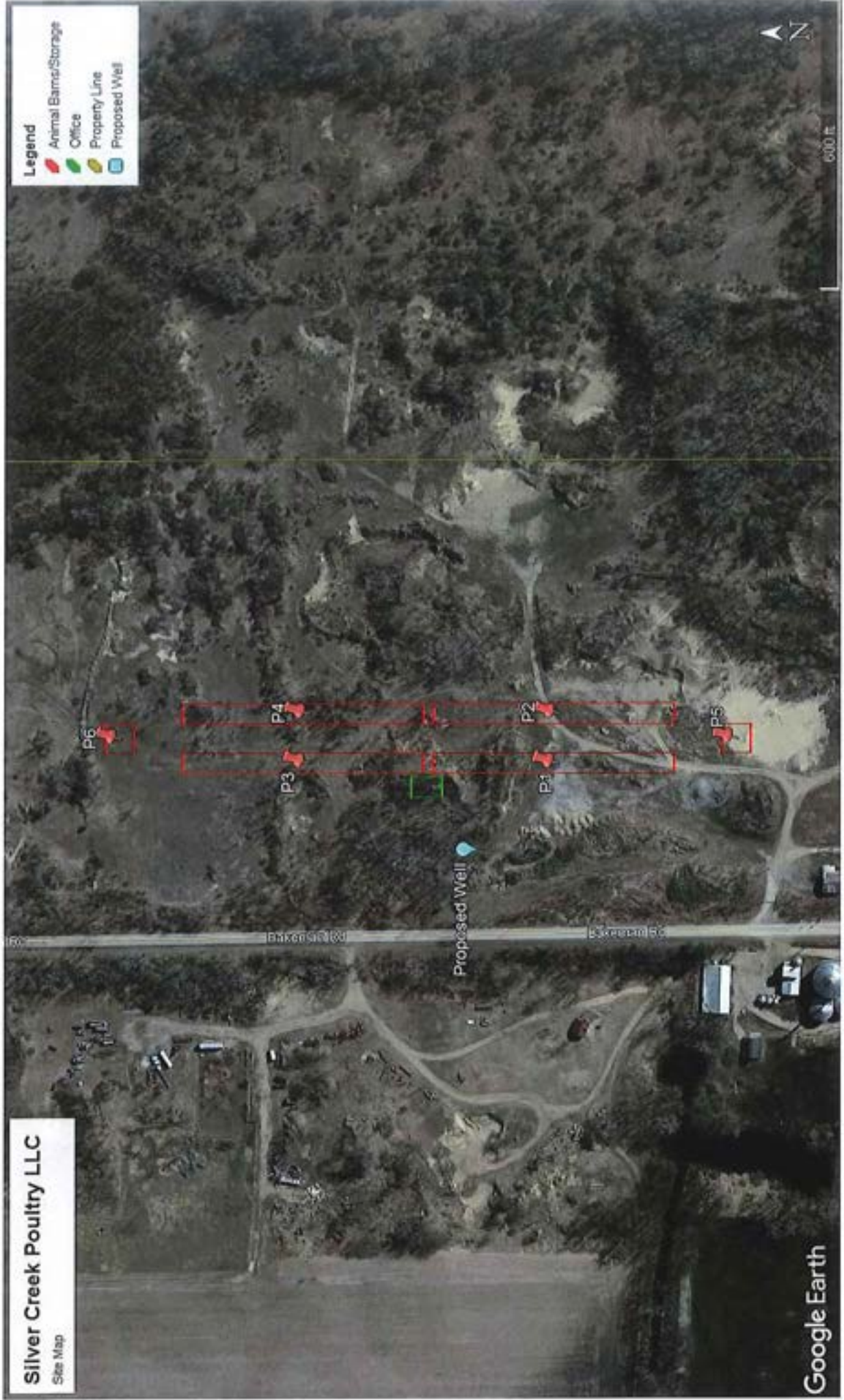


To the best of my knowledge, all submitted information is accurate. I understand that inaccuracies or omissions in my application materials may invalidate any determination made by MDARD.

Silver Creek Poultry LLC

Site Map

- Legend**
- Animal Barns/Storage
 - Office
 - Property Line
 - Proposed Well



Google Earth

Silver Creek Poultry LLC



Site Map

- Property Line
- Proposed Driveway
- Soil Boring Pt
- Well

Site Map

~51501 Bakeman Rd
Dowagiac, MI 49047



Soil Map—Cass County, Michigan
(Silver Creek Poultry LLC)



Map Scale: 1:3,710 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 150 300 600 900 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 16N WGS84

MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)	Soil Area
Soils	Soil Map Unit Polygons	Story Spot
	Soil Map Unit Lines	Very Story Spot
	Soil Map Unit Points	Wet Spot
Special Point Features		Other
Blowout		Special Line Features
Borrow Pit	Water Features	
Clay Spot	Streams and Canals	
Closed Depression	Transportation	
Gravel Pit	Rails	
Gravelly Spot	Interstate Highways	
Landfill	US Routes	
Lava Flow	Major Roads	
Marsh or swamp	Local Roads	
Mine or Quarry	Background	
Miscellaneous Water	Aerial Photography	
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cass County, Michigan
Survey Area Data: Version 19, Aug 25, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

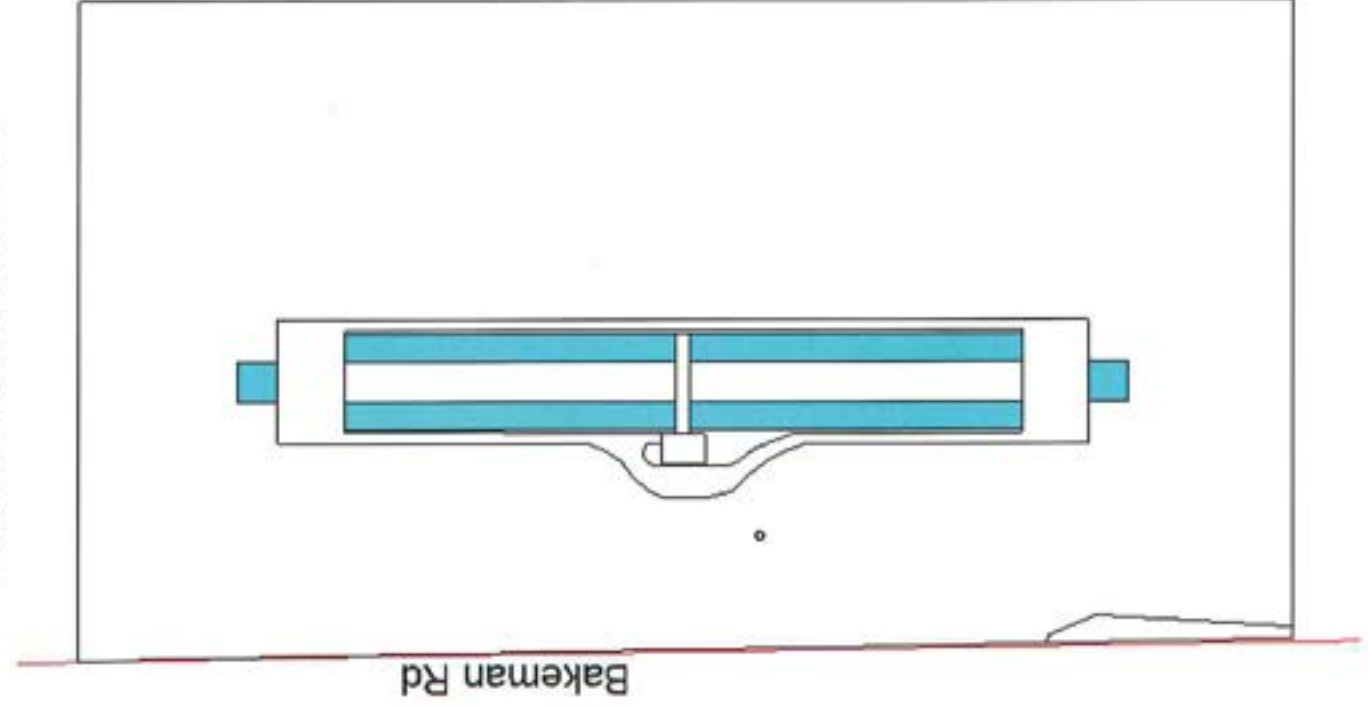
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4B	Oshkemo sandy loam, 2 to 6 percent slopes	3.1	5.0%
15	Glendora muck	0.0	0.0%
34	Pits	57.9	95.0%
Totals for Area of Interest		61.0	100.0%

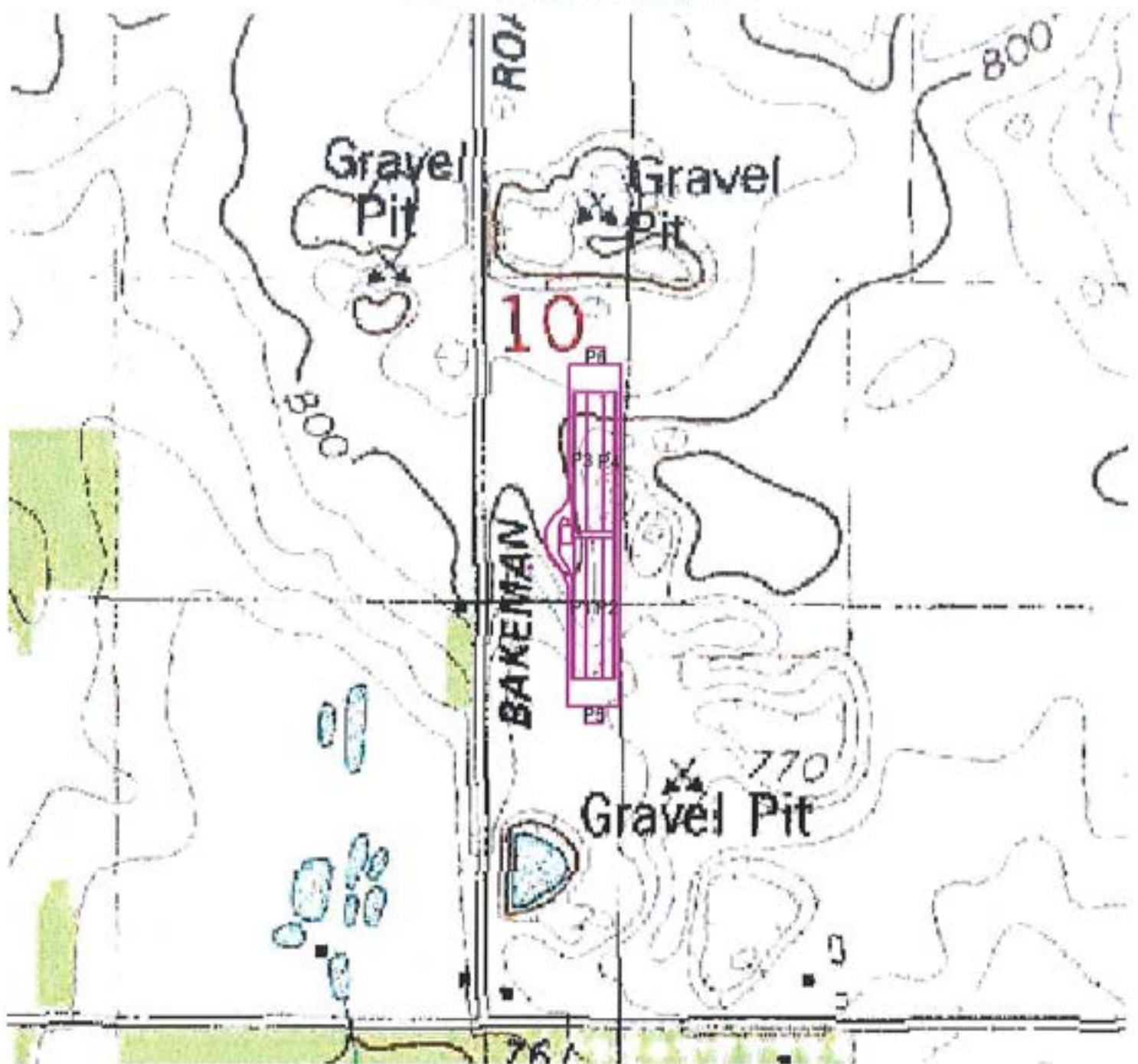
Silver Creek Poultry LLC

Cass Co Soil Types

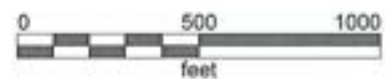
34



Silver Creek Poultry LLC



USGS Topographic Map



Michigan Department of Agriculture
Right to Farm Program

**MANURE/ODOR
MANAGEMENT PLAN**

For:

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102
Cass County

Prepared By:

Agronomic Solutions, LLC
Melissa Lehman
PO Box 340
Topeka, IN 46571
(260) 593-2092

Silver Creek Poultry LLC

Cass County

Manure Management System Plan

General Overview

Silver Creek Poultry LLC would like to build a new Miller Poultry breeder barn layer operation in Cass County, Silver Creek Township, Section 10. The operation will consist of 4 - 42'x500' layer barns, each holding 11,250 layers, and 2 - 60'x60'x3' manure storages. There will be a total of 45,000 layers or 450 animal units on site once construction is complete. This operation is located on the east side of Bakeman Rd about a 1/4 mile north of the Topash Rd & Bakeman Rd intersection. The proposed site used to be part of a gravel pit and the producer has just purchased the front 40 acres of the site. The barns themselves will provide the producer with more than a year's worth of manure storage. The producer is hoping to begin construction on all the layer barns just as quickly as we can get approval to start construction. Miller Poultry has already planned for birds to hopefully enter the barns in July, so we are operating on a very tight schedule.

This production site does not require a CAFO permit from EGLE since there will be less than 82,000 layers on the site.

The producer will not be land applying or utilizing any of the manure from these barns at this time. The producer has signed agreement with JD Layman Farms Inc. (2200 acres) who farms land around the operation and would like to purchase this manure to land apply to their farming fields.

Volume and Nutrient Production From All Sources

Animal Output Details

Animal ID	Type or Phase	Head	Weight	Confinement Period	Days Confined	% Coll.	Storage ID
Layers 1	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 1
Layers 2	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 2
Layers 3	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 3
Layers 4	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 4

Estimated Manure Nutrient Analysis

Manure Source	Total N	NH ₄	Avail. N	Avail. P ₂ O ₅	Avail. K ₂ O	Units	Source
Layer Litter	49.9	10.8	34.3	77.3	51.4	lbs/ton	Ave Actual Analysis

Estimated Annual Volume and Nutrient Production From All Sources

Storage ID	Annual Volume	Units	Avail. N	P ₂ O ₅	K ₂ O	Source
Barn 1	200	Ton	6,860	15,460	10,280	Actual
Barn 2	200	Ton	6,860	15,460	10,280	Actual
Barn 3	200	Ton	6,860	15,460	10,280	Actual
Barn 4	200	Ton	6,860	15,460	10,280	Actual

	Avail. N	Avail P ₂ O ₅	Avail K ₂ O
Total for all Storage ID's	27,440	61,840	41,120

For this plan we used the manure generation amounts and manure sample averages from the existing layer operations all over Indiana and Michigan that we work with. We believe that the actual data and past history that we have with the other similar type operations will provide much more useful and accurate manure information for the producer to use.

Manure Collection

The manure will all be collected in the barn as the birds excrete the manure in the barn.

Manure Storage

The layer barn contains its own self-contained storage on the floor of the barn.

Estimated Days of Storage

Storage ID	Storage Type	Capacity	Units	Annual Collected	Days Storage
Barn 1	Litter	472	Ton	200	861
Barn 2	Litter	472	Ton	200	861
Barn 2	Litter	472	Ton	200	861
Barn 2	Litter	472	Ton	200	861
Storage 1	Dry stack	202	Ton		
Storage 2	Dry stack	202	Ton		

Storage Totals	Capacity	Units	Annual Collected
Litter	2,292	Ton	800

Manure Treatment

There is no treatment of manure.

Manure Transfer and Application

The producer will not be land applying or utilizing any of the manure from these barns at this time. The producer has signed agreement with JD Layman Farms Inc. (2200 acres) who farms land around the operation and would like to purchase this manure to land apply to their farming fields.

Manure Utilization

None of the manure produced at this operation will be utilized on the producer's ground.

Manure Recordkeeping System

Silver Creek Poultry LLC will have a black binder kept in the farm office. This binder will contain all of the required information and a copy of this plan.

In the binder yearly records will be kept on the following:

- Manure Analysis
- Manure distribution record
- Manure spreading records, for litter applied to his own farm ground
- Crops grown and Yield data, if applied to his farm
- Manure spreader calibration information (date and results)
- Cropping plan, if applied to his own farm.

Manure Sample Averages

Storage:		All types Layer Litter				1st year availability		
Sample ID	Date	Total N	NH ₄	P ₂ O ₅	K ₂ O	Total N	P ₂ O ₅	K ₂ O
Barn 1	Dec-22	41.7	13.4	88.3	68.8	30.4	88.3	68.8
Poultry	Oct-22	65.0	20.0	89.2	48.3	47.0	89.2	48.3
Egg	Oct-22	65.3	21.2	36.6	24.8	47.7	36.6	24.8
Layer	Aug-22	39.0	10.6	34.1	34.4	27.6	34.1	34.4
Chicken Barn	Aug-22	72.7	13.8	106.0	76.0	25.6	106.0	76.0
Egg North	Apr-22	36.4	17.4	29.6	19.2	28.8	29.6	19.2
Poultry	Apr-22	67.7	10.8	37.7	27.6	44.9	37.7	27.6
Barn 1	Mar-22	73.6	9.7	63.4	42.5	48	63.4	42.5
Layer	Nov-21	18.3	0.6	96.8	16.6	11.2	96.8	16.6
Layer	Nov-21	52.9	5.0	63.3	74.7	33.7	63.3	74.7
Layer	Oct-21	20.3	5.0	84.4	49.3	14.2	84.4	49.3
Litter	Sep-21	46.7	7.2	59.1	43.6	30.9	59.1	43.6
Litter	Sep-21	43.6	7.0	53.3	42.2	29.0	53.3	42.2
Barn 1	Aug-21	63.1	9.2	91.5	68.4	41.5	91.5	68.4
Barn 1	Apr-21	52.3	6.8	75.9	46.4	34.1	75.9	46.4
Barn 2	Apr-21	50.6	5.4	73.3	49.9	32.5	73.3	49.9
Layer	Feb-21	42.6	2.6	40.2	41.4	26.6	40.2	41.4
Layer 2	Jan-21	42.6	13.1	77.4	54.4	30.7	77.4	54.4
Egg North	Nov-20	49.0	24.6	53.2	27.6	39.2	53.2	27.6
Egg South	Nov-20	47.6	9.0	104.8	54.5	32.2	104.8	54.5
Layer	Aug-20	66.9	6.0	86.0	63.0	42.5	86.0	63.0
Barn 1	Apr-20	43.1	11.4	73.8	50.8	30.4	73.8	50.8
Layer	Apr-20	31.7	7.2	65.5	47.6	21.9	65.5	47.6
Egg North	Nov-19	42.5	19.8	113.5	67.6	33.4	113.5	67.6
Egg South	Nov-19	29.5	10.2	86.8	52.8	21.8	86.8	52.8
Layer	Nov-19	49.0	14.2	125.4	64.1	35.1	125.4	64.1
Barn 2	Aug-19	42.3	7.3	103.8	73.4	28.4	103.8	73.4
Layer	Apr-19	60.5	3.0	59.9	44.5	37.5	59.9	44.5
Layer	Apr-19	49.8	4.0	84.7	58.0	31.5	84.7	58.0
Layer	Jan-19	50.5	18.6	71.2	52.0	37.7	71.2	52.0
Layer Barn 1	Dec-18	44.7	12.8	96.4	63.5	31.9	96.4	63.5
Layer	Dec-18	46.8	3.4	95.2	60.0	29.4	95.2	60.0
Layer	Nov-18	42.5	12.4	92.4	60.0	30.5	92.4	60.0
Fiechter Egg N	Oct-18	60.6	13.8	88.1	56.4	41.9	88.1	56.4
Fiechter Egg S	Oct-18	58.2	14.0	89.1	57.0	40.5	89.1	57.0
Fiechter Poultry	Oct-18	74.7	15.2	75.2	50.6	50.9	75.2	50.6
Chicken Barn	Aug-18	84.4	9.4	102.3	63.2	54.4	102.3	63.2
Layer	May-18	37.6	11.4	47.9	47.3	27.1	47.9	47.3
Barn 2	Apr-18	39.2	14.2	99.8	64.1	29.2	99.8	64.1
Average		49.9	10.8	77.3	51.4	33.6	77.3	51.4

Client Name Silver Creek Poultry LLC
 Site Name _____
 Sample ID Layer Average

Report Number _____
 Report Date _____
 Lab Analyzed A&L Great Lakes

Laboratory Analysis Results

Nutrients Tested		Analysis Results	Total lbs/ton	1st year availability	Value of 1st year availability
				lbs/ton	lbs/ton
Moisture	%				
Solids	%				
Nitrogen, Total (TKN)	%		49.9	33.6	\$ 32.69
Nitrogen, Ammonium	%		10.8	10.8	\$ -
Nitrogen, Organic (N)	%		39.1	44.4	\$ -
Phosphorus (P)	%		77.3	77.3	\$ 61.99
Potassium (K)	%		51.4	51.4	\$ 26.99
				Total Value	\$ 121.67

Nitrogen Limiting Application Rate (Soil Test P <75 ppm)

Expected Yield	Corn following Corn		Corn following Legumes	
225 Bu.	8.3	tons/acre	7.4	tons/acre
200 Bu.	7.3	tons/acre	6.4	tons/acre
175 Bu.	6.3	tons/acre	5.4	tons/acre
150 Bu.	5.3	tons/acre	4.4	tons/acre
125 Bu.	4.3	tons/acre	3.4	tons/acre
Soybeans				
60 Bu.	6.8	tons/acre	<i>Your Farm's Estimated Manure Value</i>	
50 Bu.	5.7	tons/acre		
40 Bu.	4.5	tons/acre		
Alfalfa			Average Spreading Rate	
			1.0	ton/A \$ 121.67/acre
6 Ton	8.0	tons/acre	Manure Storage Capacity	
3 Ton	4.0	tons/acre	2,292	ton \$278,873.14
Pasture			Estimated Annual Production	
2 Ton	4.8	tons/acre	1,200	ton \$146,006.88

Phosphorus Limiting Application Rate

Expected Yield	Soil Test P = 76-150 ppm		Crop Removal - 2 Year Application	
	Corn Uptake Rate		Corn - Corn Uptake Rate	
225 Bu.	1.1	tons/acre	2.2	tons/acre
200 Bu.	1.0	tons/acre	1.9	tons/acre
175 Bu.	0.8	tons/acre	1.7	tons/acre
150 Bu.	0.7	tons/acre	1.4	tons/acre
125 Bu.	0.6	tons/acre	1.2	tons/acre
Soybean Uptake Rate			Corn - Soybean Uptake Rate	
60 Bu.	0.6	tons/acre	225/60 bu	1.7 tons/acre
50 Bu.	0.5	tons/acre	175/50 bu	1.4 tons/acre
40 Bu.	0.4	tons/acre	125/40 bu	1.0 tons/acre
Alfalfa			Alfalfa	
6 Ton	1.0	tons/acre	2.0	tons/acre
3 Ton	0.5	tons/acre	1.0	tons/acre
Pasture			Pasture	
2 Ton	0.2	tons/acre	0.5	tons/acre

If Soil Test P levels are > 150 ppm - No Manures or P fertilizers can be applied.

Silver Creek Poultry LLC

Cass County

Odor Management Plan

Overview

Silver Creek Poultry LLC is proposing to build a new layer facility on their 40 acre parcel in Cass County. These buildings will be positioned in the middle of the parcel. The MI odor print map indicates that most of the odor will travel north and east of the barn. The aerial map shows that there's nothing present in the odor plume except for the surrounding trees former gravel pit area according to the model.

Odor Source Identification

The odor source identification information is located on the Michigan OFFSET Odor print on the next pages. It shows that 95% of time the odor will not go more than 0.07 miles (369 feet) from the barn. There are no homes within the odor plume. These barns are located in an agricultural and rural area. The main times of odor concern will be during the transport and land application of the poultry litter, which will occur once per year when the barns are cleaned out. All of the litter will be transported off site for land application by area farmers.

Odor Management Practices

- Have a ventilation fan system in each barn to help constantly disperse the odor.
- Keep the water lines properly adjusted to avoid having wet litter areas (ammonia problems).
- Additional practices will be considered if odor concerns arise at the site.

Odor Tracking and Response

Silver Creek Poultry LLC plans to track odor by having all communication line open between himself and his neighbors, be aware of odors and report them as they travel and work around and community.

Response to odor complaints reported by neighbors should include an investigation of the primary odor incident source on the farm. Determine the cause of the odor, land application, agitation of manure storage, cleaning the barn, weather conditions. The farm then needs to report back to the person with the odor complaint within 24 hours. They should explain the reason for the odor event, acknowledge the concern expressed, and any steps that will be taken to prevent further odors in the future. Be sure to thank them for bringing it to the farms attention.

Community Relations

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

1. Keep the farmstead area esthetically pleasing.
2. Additional opportunities to strengthen community relations will be considered whenever they arise.

Emergency Manure Spill Plan

An emergency spill plan has been developed and will be located in the producers black operating records binder located in the farm office.

Veterinary Waste Disposal

There will be no veterinary waste at this site since the birds are antibiotic free organic birds.

Mortality Disposal

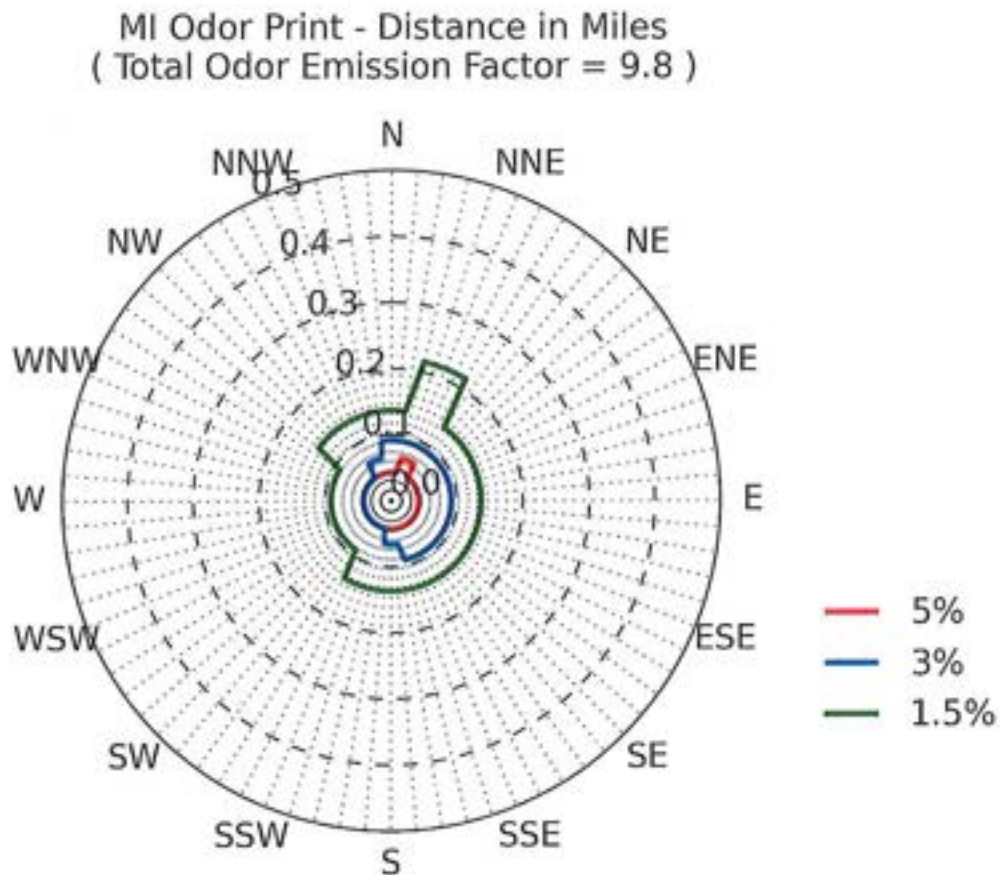
Silver Creek Poultry LLC is planning to build a small mortality composter in the corner of one of the manure storages to handle the dead birds from this operation. The mortalities are to be transported and put into the correct compost bin within 24 hrs of the animals death.

MI OFFSET 2018 Centroid Worksheet										
Prepared by:	Agromomic Solutions LLC									
Site:	Silver Creek Poultry LLC									
Production Area Name	Odor Source	Type	Livestock Housing or Manure Storage Type	Latitude of building or storage center	Longitude of building or storage center	Area Sq. Ft.	Odor Emission Number	Odor Reduction / Odor Control Tech	Odor Control Factor	Odor Emission Factor
1	Poultry	Broiler	litter (broiler)	42.045553	-86.154703	21,000	1	None	1.0	2.1
2	Poultry	Broiler	litter (broiler)	42.045556	-86.154324	21,000	1	None	1.0	2.1
3	Poultry	Broiler	litter (broiler)	42.047277	-86.154599	21,000	1	None	1.0	2.1
4	Poultry	Broiler	litter (broiler)	42.047273	-86.154324	21,000	1	None	1.0	2.1
5	Manure Storage	Solid	crusted manure stockpile	42.044845	-86.154516	3,600	2	None	1.0	0.7
6	Manure Storage	Solid	crusted manure stockpile	42.048348	-86.154515	3,600	2	None	1.0	0.7
7								None	1.0	0.0
8								None	1.0	0.0
9								None	1.0	0.0
10								None	1.0	0.0
11								None	1.0	0.0
12								None	1.0	0.0
13								None	1.0	0.0
14								None	1.0	0.0
15								None	1.0	0.0
16								None	1.0	0.0
17								None	1.0	0.0
18								None	1.0	0.0
19								None	1.0	0.0
20								None	1.0	0.0
21								None	1.0	0.0
22								None	1.0	0.0
23								None	1.0	0.0
Total Odor Emission Factor =							43.846872			
Centroid Location (Lat, Long) =							-86.154613			

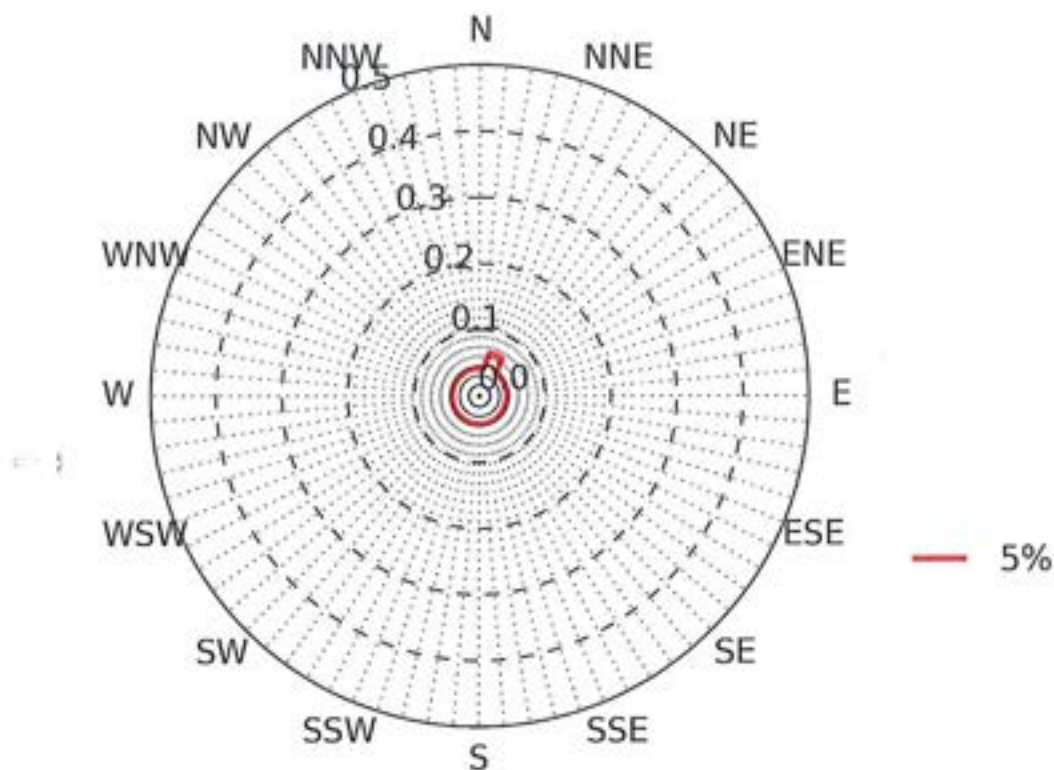
MI OFFSET Livestock Operation
Latitude: 42.046572, Longitude: -86.154513

Summary of Odor Emission Factors: Animal units and waste storage entries

Odor emission factor manually entered as 9.8



MI Odor Print - Distance in Miles
(Total Odor Emission Factor = 9.8)



Toward Distance_in_Miles

	5%	3%	1.5%
N	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.07	0.09	0.22
-	0.07	0.09	0.22
NNE	0.07	0.09	0.22
-	0.07	0.09	0.22
-	0.07	0.09	0.22
-	0.04	0.09	0.14
-	0.04	0.09	0.14
NE	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14
ENE	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14
-	0.04	0.09	0.14

- 0.04 0.09 0.14
E 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
ESE 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
SE 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
SSE 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14
- 0.04 0.07 0.14
- 0.04 0.07 0.14
S 0.04 0.07 0.14
- 0.04 0.07 0.14
- 0.04 0.07 0.14
- 0.04 0.04 0.14
- 0.04 0.04 0.14
SSW 0.04 0.04 0.14
- 0.04 0.04 0.14
- 0.04 0.04 0.14
- 0.04 0.04 0.09
- 0.04 0.04 0.09
SW 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
WSW 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
W 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
WNW 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.09
- 0.04 0.04 0.14
- 0.04 0.04 0.14
NW 0.04 0.04 0.14
- 0.04 0.04 0.14
- 0.04 0.04 0.14
- 0.04 0.07 0.14

- 0.04 0.07 0.14
NNW 0.04 0.07 0.14
- 0.04 0.07 0.14
- 0.04 0.07 0.14
- 0.04 0.09 0.14
- 0.04 0.09 0.14

Silver Creek Poultry LLC

Odor Print

- Legend**
- 5% footprint
 - Barn
 - OF=9.8



Google Earth

Michigan Department of Agriculture
Right to Farm Program

**CONSTRUCTION DETAILS &
SOILS INVESTIGATION REPORT**

For:

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102
Cass County

Prepared By:

Agronomic Solutions, LLC
Melissa Lehman
PO Box 340
Topeka, IN 46571
(260) 593-2092

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102

Construction Information

All of the construction information is located on the following pages.

The soils investigation shows that the site will not be affected by the seasonal water table because there is no water in the soil. The site is located in an old gravel pit and soils are very sandy. We completed the soils investigations for their layer barn buildings and stacks (P1) to at least a depth of 30" because of the concrete floors. The actual sampling depths vary due to the elevation of the ground, which is marked on the soil boring map.

The soils investigation was completed by Tom Eickholtz, Indiana Certified Soil Scientists and the information can be found behind the engineering prints.

Construction Details for Layers Barns

Attached is a general building drawing of the proposed 42'x500' Miller Poultry layer barn. The solid manure barns will be constructed with concrete floors and footers and be completely enclosed and covered with a roof, as shown on the prints.

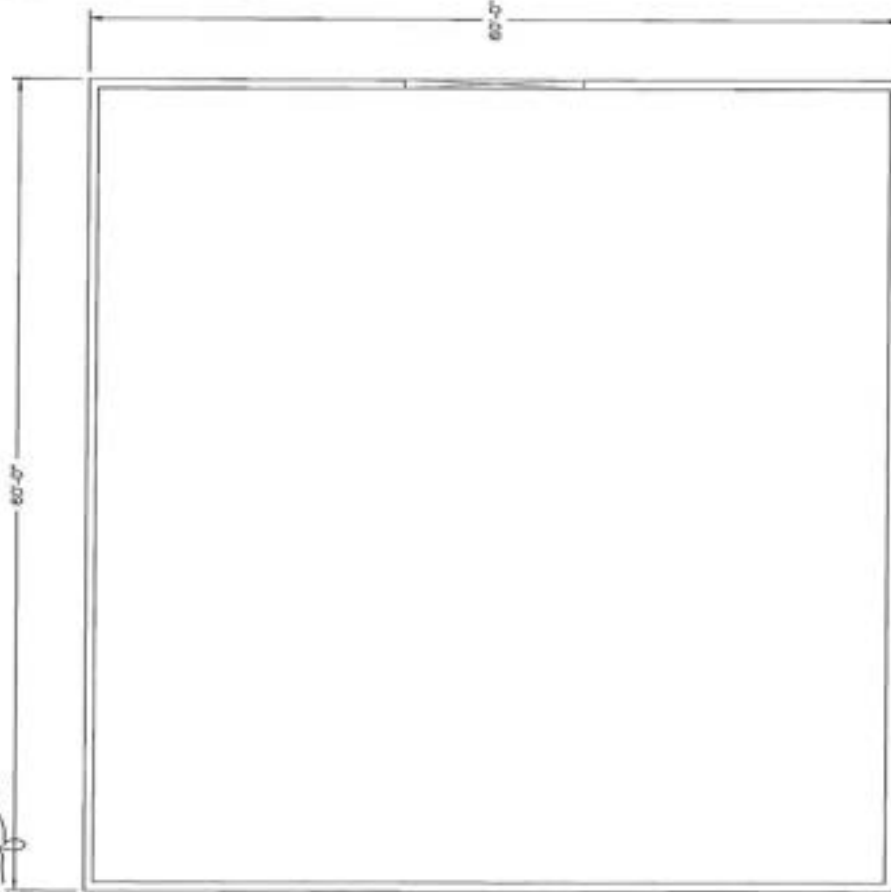
We have also included the most recent MI NRCS Concrete Specifications that are dated March 2016 with the construction information.

The actual manure storage or area where the birds will be is 500' x 42'. This area equals 21,000 ft³ of manure storage, assuming a 12 inch manure depth. The barns themselves provide more than adequate manure storage with 861 days. The layer barns will run one batch of layers per year. In between batches of layers, the barn will be completely cleaned out and carefully disinfected. The majority of the litter produced will be removed from the barn once a year.



2-28-23

Top View



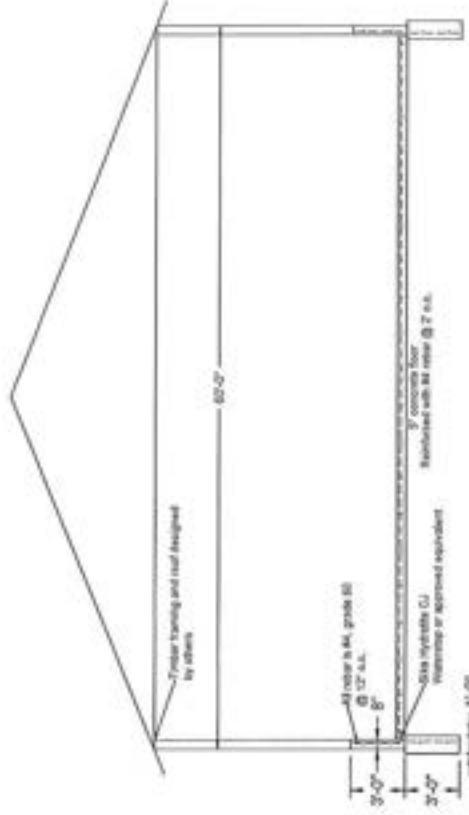
WALLS AND SLAB NOTES

CONCRETE

1. ALL SLAB AND WALL CONCRETE SHALL BE PORTLAND CEMENT STONE AGGREGATE CONCRETE, HAVING A MINIMUM 28-DAY COMPRESSIVE STRENGTH $f'_{c} = 4000$ PSI. THE MIX DESIGN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO PLACEMENT. THE FOLLOWING REQUIREMENTS APPLY:

MAXIMUM WATER TO CEMENT RATIO, $w/c = 0.45$
TYPE I CEMENT OR TYPE 1L BLENDED CEMENT - GENERAL PURPOSE
SLUMP: 4 IN. PLUS OR MINUS 1 IN.
AIR CONTENT FROM 4 TO 8 PERCENT
AGGREGATE SIZE: MAXIMUM OF 1 INCH IN DIAMETER
CURE CONCRETE FOR A MINIMUM OF 7 DAYS
ACCEPTABLE CURING METHODS ARE:
MEMBRANE FORMING CURING COMPOUND
CONTINUOUS SPRAY WATER SOAK

2. ALL EDGES OF FORMED CONCRETE THAT IS TO BE EXPOSED SHALL BE CHAMFERED 1 IN.
3. CLEAR COVER OF CONCRETE OVER REINFORCING STEEL SHALL BE 2 INCHES UNLESS OTHERWISE SHOWN.
4. REFER TO THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLING WATERSTOP MATERIAL.



Side View

Agronomic Solutions LLC
PO Box 340
Topeka, IN 46571

Manure Storage

Silver Creek Poultry LLC
7850 Lake Rd
Berrien Center, MI 49102

Date: 2/13/2023
Barn: Storages

Sheet

1 of 1

CONSTRUCTION SPECIFICATION

MI-158. REINFORCED CONCRETE

1. SCOPE

This specification covers steel reinforced concrete construction. This specification only covers construction performed when the anticipated daily low air temperature is 40° F or higher for at least three days after placement unless the site conditions and/or the construction methods to be used have been reviewed and approved in writing by the NRCS engineer or their designated representative.

2. PREPARATION OF FORMS AND SUBGRADE

Place concrete on a smoothly graded soil or sand subgrade well compacted, to a uniform density throughout, unless otherwise indicated on the construction drawings. Correct over-excavation with a procedure approved by the NRCS inspector.

Ensure forms and subgrade are free of wood chips, sawdust, debris, standing water, ice, snow, extraneous form release agent, mortar, or other harmful substances or coatings prior to the placement of concrete.

Place concrete on firm and damp surfaces. Placement of concrete on plastic, mud, dried earth, uncompacted fill or frozen subgrade will not be permitted.

3. FORMS

Use forms of wood, plywood, steel or other mortar tight approved material. If using constructed forms, fabricate substantial and unyielding forms so that finished concrete will conform to the specified dimensions and contours. Use form release agents appropriate for the form materials and concrete admixtures. Apply form release agents prior to putting the forms up. Form ties may be metal, plastic or fiberglass.

Embed items in the concrete accurately and anchor firmly.

Tolerance on formed concrete is $\pm 3/8$ inch. Tolerance on concrete formed in earth is -1 inch to +6 inches.

4. REINFORCING STEEL

Use deformed bars manufactured specifically for concrete reinforcement meeting a minimum of Grade 60 or as shown on the drawings (more details can be found in ASTM A615 or ASTM A996).

Use reinforcing bars that are free from loose rust, concrete, oil, grease, paint or other deleterious coatings.

Accurately place and secure reinforcing bars in position to prevent displacement during the placement of concrete. Holding reinforcing bars in position with temporary supports is not permitted. Tack welding of reinforcing bars is not permitted. Heating of reinforcing bars to facilitate bending is not permitted.

In structural members, metal chairs, metal hangers, metal spacers, high density or structural plastic rebar accessories or concrete bricks (not clay bricks) may be used to support reinforcing steel. Place metal hangers, spacers, and ties in such a manner that they are not exposed in the finished concrete surface. Use stainless steel or a protective coating or finish on the legs of metal chairs or side of form spacers that may be exposed on any

face of slabs, walls, beams, or other concrete surfaces. The coating or finish can be hot dip galvanizing, epoxy coating, or plastic coating. Use a minimum cover of 0.75 inch of concrete over the unprotected metal part of metal chairs and spacers not stainless steel or fully covered by a protective coating or finish. The exception is that those with plastic coatings may have a minimum cover of 0.5 inch of concrete over the unprotected metal part. Ensure precast concrete chairs are clean and moist at the time concrete is placed.

In slabs, support reinforcing steel by precast concrete bricks (not clay bricks), metal chairs or plastic chairs.

Do not place any reinforcing steel until the prepared site has been inspected and approved by the NRCS inspector. Do not place any concrete until the reinforcing steel is inspected and approved by the NRCS inspector.

The following tolerances will be allowed in the placement of reinforcing bars.

- a. Where 1 1/2 inches clear distance is shown between reinforcing bars and forms, allowable clear distance is 1 1/8 to 1 1/2 inches.
- b. Where 2 inches clear distance is shown between reinforcing bars and forms, allowable clear distance is 1 5/8 to 2 inches.
- c. Where 3 inches clear distance is shown between reinforcing bars and earth or forms, allowable clear distance is 2 1/2 to 3 inches. Over-excavation backfilled with concrete will not count toward clear distance.
- d. Maximum variation from indicated reinforcing bar spacing: 1/12th of indicated spacing, but no reduction in amount of bars specified.
- e. Minimum cover for ends of all reinforcing bars is 1 1/2 inches of concrete.

Unless otherwise indicated on the drawings, provide lap splices of reinforcing bars of not less than 30 diameters of the smaller bar and not less than 12 inches. Bars will not be spliced by welding. Welded wire fabric shall be lapped at least one mesh width.

5. CONCRETE MIX

Provide the NRCS inspector a batch ticket showing the following information as a minimum:

- name of redi-mix company;
- date;
- truck number;
- name and location of job;
- amount of concrete in cubic yards;
- time of loading;
- type, brand, and amount of cement;
- grade or class and amount of pozzolan if applicable;
- type, brand, and amount of admixtures;
- Michigan Department of Transportation (MDOT) type and amount of aggregates;
- free water of all aggregates;
- amount of batch water;
- water to cement ratio;
- signature or initials of concrete producer or producer's representative

Any concrete load delivered without a batch ticket containing the above information is to be rejected by the contractor or landowner.

Use of Type I or II (Type II is preferred) Portland cement meeting the requirements of ASTM C150 is required. Type III cement may be used as part of a cold weather

concreting plan. The use of cement that is partially hydrated (hardened), or otherwise damaged, is not permitted. Fly ash meeting the requirements of ASTM C618 (Class F or C) may replace cement in quantities ranging from 15-25 percent by weight of the total required cementitious materials. Ground blast furnace slag meeting the requirements of ASTM C989 may replace cement in quantities ranging from 30-50 percent by weight of total required cementitious materials. Silica fume meeting the requirements of ASTM C1240 may replace cement in quantities ranging from 5-10 percent by weight of total required cementitious materials. Cementitious materials shall be within $\pm 1\%$ of the mix design weight.

Air entrainment is required for concrete exposed to freeze-thaw cycles and in contact with the ground or frequent exposure to moisture. For a maximum aggregate size of 3/8 inch to 1 inch the allowable air content at the time of placement is 5-7%. For a maximum aggregate size of over 1 inch, the allowable air content at the time of placement is 4-6%. Concrete protected from moisture by an impervious material or cover, or from freezing during its design life may have a total air content as specified above based on maximum aggregate size.

Aggregates are required to be clean, hard, strong and durable particles that are free of silt, clay or any other material that may affect bonding of the cement paste. Tolerance for the batched aggregate weight from the mix design is $\pm 2\%$. Fine aggregate meeting the requirements of ASTM C33 fine aggregate or MDOT 2NS is required. Coarse aggregate meeting the requirements of ASTM C33, size numbers 57 or 67 or MDOT Classes 6A or 17A. Use of other aggregate sizes is not permitted without prior approval from the NRCS inspector.

The maximum water/cement ratio (W/C Ratio) for any condition is 0.50. Use of water that is clean and free of injurious amounts of oil, salt, acid, alkali, organic matter or other deleterious substances is required. Include aggregate moisture (both fine and coarse) in the total water quantity calculations.

Water reducing admixtures conforming to ASTM C494, Types A, D, F, or G may be used. Types D or G may be used at the discretion of the contractor/supplier when the air temperature is over 70° F.

The slump of the concrete without water reducers will be 3 to 5 inches. Maximum slump of concrete prior to adding Type A or D water reducers is 4 inches and maximum slump after adding Type A or D water reducers is 6 ½ inches. Maximum slump of concrete prior to adding Type F or G (high range) water reducers is 2 ½ inches and maximum slump after adding Type F or G water reducers is 7 ½ inches.

Where the design concrete strength shown on the drawings is 3500 psi or less, a mix containing the materials and properties referenced above, and the cementitious material and water quantities shown below in options 1 or 2, may be accepted without strength tests:

Option	Min. Cementitious Material lb./cu. yd.	Max. W/C Ratio (Water Amounts) lb./cu.yd.
1	564	0.50
2	517	0.45

Where the design concrete strength is greater than 3500 psi or where the cementitious material quantities are less than shown above in options 1 or 2, the minimum 28-day compressive strength is 3,500 psi or the minimum specified in the drawings, as shown by strength tests. Perform compressive strength tests as a minimum, once each day concrete is placed; once for each 150 cubic yards of concrete placed; or once for each 5000 sq. ft. of surface area of slabs and walls.

ADDITIONAL REQUIREMENTS FOR AGRICHEMICAL HANDLING FACILITIES (AHF's)

Use of Type II or V Portland cement meeting the requirements of ASTM C150 is required. Use of fly ash, ground blast furnace slag, or silica fume in the quantities listed previously is required.

Use of the following may be accepted without strength tests for AHF's:

Min. Cementitious Material lb./cu. yd.	Max. W/C Ratio	(Water Amounts) lb./cu.yd.
564	.40	225

Where the cementitious material quantities are less than shown above for AHF's, the minimum 28-day compressive strength is 5,000 psi. Perform compressive strength tests as a minimum, once each day concrete is placed; or once for each 30 cubic yards of concrete placed.

6. MIXING AND PLACING CONCRETE

Thoroughly mix all concrete when delivered to the job site. Do not exceed the rated capacity of revolving drum truck mixers for the quantity of concrete delivered. Deliver a maximum load no greater than the truck manufacturer's recommendation for truck-mixed concrete or 63% of the gross volume of the drum, whichever is less.

Do not exceed the maximum w/c ratios listed above. Water to compensate for up to a 1-inch loss in slump (up to 1 gallon/cu. yd.) may be added, not to exceed the design maximum w/c ratio. Withholding some of the mixing water until the concrete arrives on the job, then adding the remaining water and turning the mixer 30 revolutions at mixing speed is allowed if the truck has a functioning sight gauge or meter, and the before and after readings are recorded on the batch ticket and initialed by the purchaser or their representative. Adding water on-site to the truck can only be done once per load and should be done before any significant quantity of concrete is discharged.

When adding admixtures on the job, turn the mixer a minimum of 30 revolutions at mixing speed before discharging the concrete.

Do not place concrete until the subgrade, forms and steel reinforcement have been inspected and approved by the NRCS inspector. Notify the inspector a minimum of 72 hours in advance to provide time for inspection.

Discharge concrete into the forms, vibrate and spade within 90 minutes after the cementitious materials have been introduced into the aggregates. When air temperatures are above 85°F, this time is reduced to 45 minutes. The inspector may allow a longer time if an approved set retarding admixture is used.

Deposit concrete as close as possible to its final position. Concrete without Type F or G water reducers will not be allowed to drop more than 5 feet from a chute or "elephant trunk". Concrete with Type F or G water reducers will not be allowed to drop more than 12 feet from the chute or "elephant trunk". If concrete must be dropped more than allowed above, use hoppers and chutes, "elephant trunks", etc., to prevent segregation.

Do not allow concrete to flow laterally more than 8 feet. If required to move concrete laterally more than 8 feet, use of shoveling, chutes, conveyors, wheelbarrows or similar equipment is required.

Place concrete in slabs at design thickness in one layer. Place concrete in walls at essentially horizontal layers not more than 24 inches high. Place successive layers and consolidate fast enough to ensure a good bond between layers and to prevent "cold joints". If the surface of a layer in place will develop its initial set before more concrete is placed on it, use of a construction joint (of the type shown in the plan) is required.

Immediately after placement, consolidate concrete by spading and vibrating, or spading and hand tamping. Consolidate wall concrete with internal type mechanical vibrators. Work concrete into corners and angles of the forms and around all reinforcement and embedded items in a manner which prevents segregation or the formation of "honeycomb". Vibration is not to be used to make concrete flow in the forms.

Ensure concrete surfaces are smooth and even. Careful screeding (striking-off) and/or wood or magnesium float finishing are required. If an impervious, protective coating will be applied to the surface of the concrete, follow the coating manufacturer's recommendations for surface preparation.

The addition of dry cement or water to the surface of screeded concrete to expedite finishing is not allowed.

7. FORM REMOVAL AND CONCRETE REPAIR

Do not remove structure wall forms until 24 hours or more after concrete placement. When forms are removed in less than 7 days, spray the concrete with a curing compound or keep continuously wet by methods allowed in Section 8 of this specification.

Remove forms in such a way as to prevent damage to the concrete. Remove forms before walls are backfilled.

Remove form ties flush with or below the concrete surface. Patch form ties that are removed to a depth of 1/2 inch or greater with dry-pack mortar. Dry-pack mortar is one part Portland cement and three parts sand, with just enough water to produce a workable consistency.

Remove areas of the concrete surface where the concrete is "honeycombed", damaged or otherwise defective. Wet the area and then fill with a dry-pack mortar. Remove and/or repair damaged or defective concrete so as to retain the structural integrity of the member.

8. CURING

Prevent concrete from drying for at least 7 days after it is placed. Keep exposed surfaces continuously moist during this period by flooding, misting, covering with moistened canvas, burlap, straw, sand or other approved material, unless they are sprayed with a curing compound or covered with a 4 mil or thicker polyethylene. Keep forms left in place during the curing period wet.

If an impervious, protective coating will be applied to the surface of the concrete, follow the coating manufacturer's recommendation for concrete curing beyond the 7 days required above. Other concrete, except at construction joints, may be coated with a curing compound in lieu of continued application of moisture. Spray the compound on moist concrete surfaces as soon as free water has disappeared, but not on any surface until patching, repairs and finishing of that surface are completed.

Apply curing compound in a uniform layer over all surfaces requiring protection at a rate of not less than 1 gallon per 150 square feet of surface or to manufacturer's recommendations.

9. CONCRETING IN COLD WEATHER

Do not mix or place concrete when the daily atmospheric low temperature is less than 40°F unless facilities are provided to prevent the concrete from freezing. The contractor will furnish to NRCS, for approval, a written plan that shows how the contractor will meet the requirements of this specification.

Minimum requirements for cold weather concreting are:

- a. Use of warm concrete with temperatures from 55° to 65°F.
- b. Adequate protection from the weather, including, if needed, the use of artificial heat, to prevent the temperature of the concrete from falling below 50°F for a period of 3 days when using type I cement and 2 days when using a set accelerator or type III cement. Alternatively, adequate protection from the weather, including the use of artificial heat, if needed, to prevent the temperature of the concrete from falling below 40°F for a period of 6 days when using type I cement and 4 days when using a set accelerator or type III cement.
- c. Chloride accelerators such as calcium chloride may not be used to speed the hardening of concrete. Type III cement and non-chloride accelerators are allowed as part of a cold weather concreting plan.
- d. Where reinforced concrete structures will be loaded such as in backfilling walls or supporting heavy equipment, the load shall not be applied until the concrete has been tested to have at least 75% of its design strength. Test cylinders left on site until testing will be used to determine concrete strength.

10. CONCRETING IN HOT WEATHER

Hot weather precautions should be taken when air temperatures are at or above 85°F. Ensure concrete temperatures of less than 90°F during mixing, conveying and placing.

11. LOADING NEW REINFORCED CONCRETE STRUCTURES

Heavy equipment may not be operated within 3 feet of the new concrete wall.

Compaction within 3 feet of the wall will be by means of hand tamping or small hand-held tamping or vibrating equipment.

Do not begin backfilling and compaction of fill adjacent to new concrete walls in less than 10 days after placement of the concrete where the concrete temperature has been maintained at 50°F or higher or until the concrete has been tested to have at least 75% of its design strength. Test cylinders left on site until testing will be used to determine concrete strength. Use backfill material of the type indicated on the drawings and free of large stones or debris.

Heavy equipment traffic or other loads may not be applied to a new slab until the concrete has attained at least 65% of its design strength. Test cylinders left on site until testing may be used to determine concrete strength.

Concrete may be assumed to have attained at least 65% of its design strength when:

- 1) Concrete temperature has been maintained at 50°F or higher for a minimum of 7 days after placement, or
- 2) The concrete temperature has been maintained at less than 50°F, but above 32°F for 14 days after placement.

Investigator at the Site: Tom Eickholtz, Certified Soil Scientist, CPSS #3327, Indiana Registered Soil Scientist, IRSS #26



Phone: 269-208-5899

Soil pit/borings taken to a depth of 78" at North, 30" at South, 30" at MS S

[illegible]



NW Barn & MS North-B
C/O Silver Creek Poultry LLC
7850 Lake Rd.
Berrien Center, MI 49102

Soil pit/borings taken to a depth of 48" at North, 30" at South, 60" at MS N-B

[illegible]

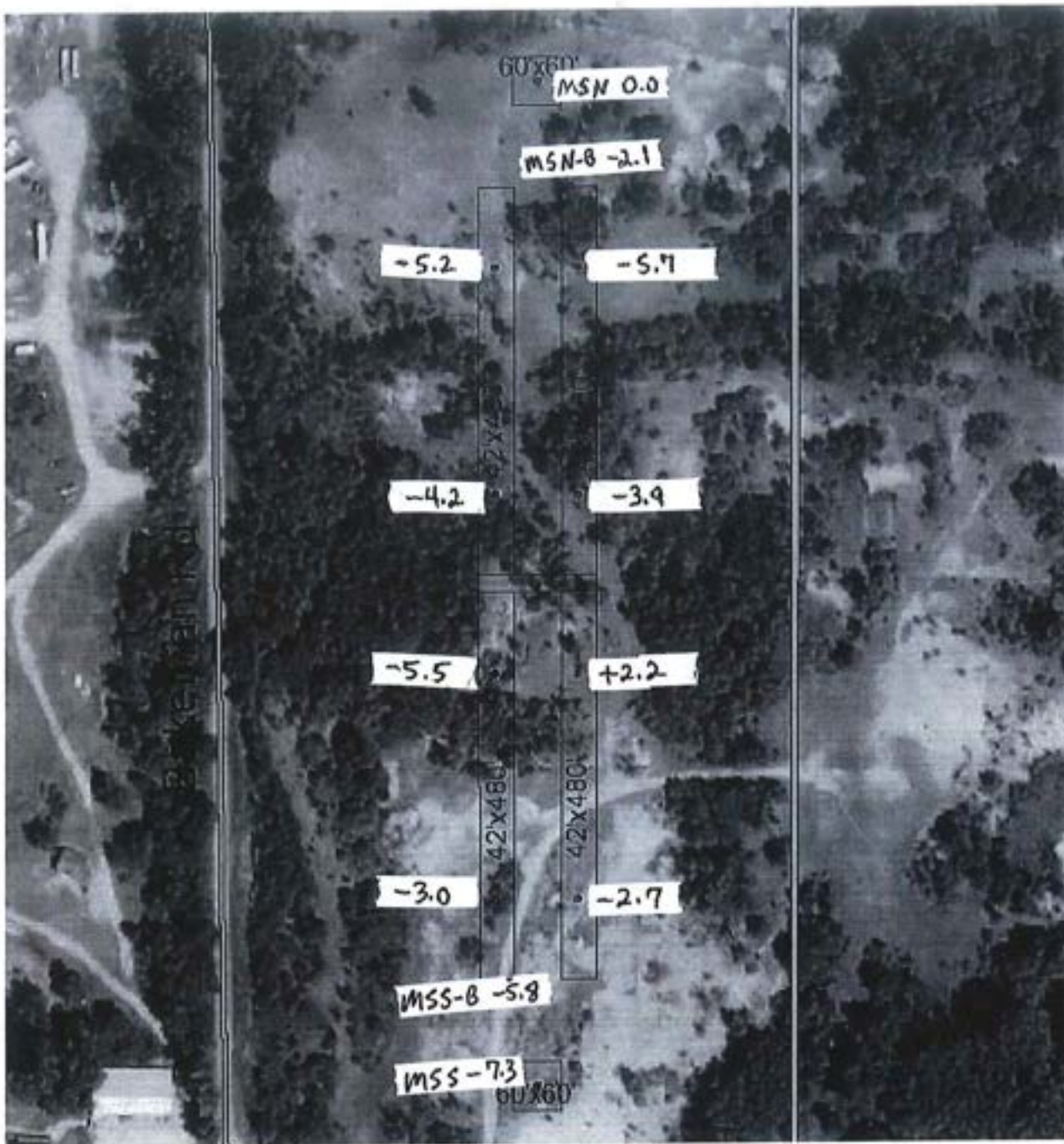


**NE Barn & MS North
C/O Silver Creek Poultry LLC
7850 Lake Rd.
Berrien Center, MI 49102**

Soil pit/borings taken to a depth of 48" at North, 30" at South, 78" at MS N

[illegible][illegible][illegible]

Silver Creek Poultry LLC



Site Map

-  Compost Bin
-  Property Line
-  Soil Boring Point
-  Well

Site Map

Site Address:
~51501 Bakeman Rd
Dowagiac, MI 49047

Mailing Address:
7850 Lake Rd
Berrien Center, MI 49102
(269) 208-5899

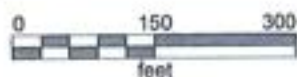


Exhibit 4

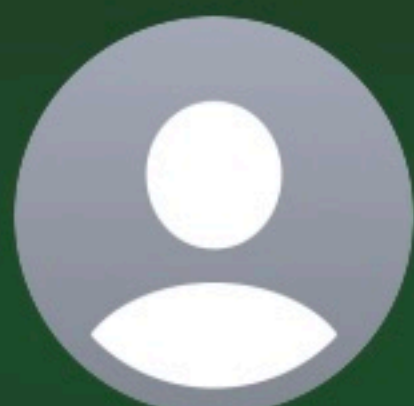
Silver Creek Poultry LLC
Cass County

Request for Additional Information

1. The residence to the north of the facility is a licensed daycare, we need to confirm that this property is greater than 1,500' from the northern manure storage. **This has been added to the updated and attached KMZ file and is labelled as Public Use Area - Daycare. The closest AFO building of the complex is 1,529ft from the property line and 1,679ft from the house.**
2. The initial property line setbacks for a new category 2 facility (250-499AU) is 300', MDARD can grant a reduction to 250' based on a written request and items in the Odor Management Plan. **The property line waiver setback letters are attached.**
3. We will also need to review a manure management plan that includes the utilization (crop plan, soil tests, etc), record keeping and odor management sections. Manifest agreements are not acceptable when the principal owner is identified in both sides of the agreement.
4. A mortality management plan. See Pg. 16 of Site Selection GAAMPs, and the 2023 updates to the 2023 Care of Farm Animal GAAMPs. **We have updated this section of the Siting Application to add more details and information on how the dead birds will be composted at the site, see revised mortality management plan.**
5. Well logs and locations for irrigation, private and possible public wells within 2,000' of the facility. As identified in Attachment 11 of the Livestock Siting Application. **We went to the MI Wellogic website and were able to locate three well logs that we printed and attached with this update. We believe that records found were for the following: One for House 1, House 2 and the Daycare.**
6. If the planned well is to serve a bathroom, sink, shower, or if there are non-family employees at the facility, then the well placement will need a variance from the local health department. **The producer will get a variance with the local health department when the new well is drilled.**
7. Finally, please include labeling for non-farm structures on the property, as well as planned or existing septic systems, utilities, and drainage patterns. As identified in Attachment 11 of the Livestock Siting Application. **The existing building is a storage shed that the Quarry used. It has been added to the KMZ file. We are unsure if the structure will stay after the site has been developed. There is no septic system installed at the site.**

Below are initial inquiries made by MDARD engineers.

1. The construction drawings do not indicate how the subbase of the barns and associated manure storages will be established, other than what is in Construction Specification MI-159 for Reinforced Concrete. According to the soil investigation, the barns appear to be located on disturbed ground (gravel pit spoils) and may require additional analysis or compaction for building suitability. **The excavator is in charge of the site preparation, and he has a plan to make sure that the fill areas are properly compacted before construction begins. They are planning to use a single drum vibrating compactor to compact every 12"-24" of fill as the site is being prepared.**
2. The soil investigation indicates a reference point but does not indicate a reference elevation to compare other features around the property. Please include reference elevations, including the proposed bottom elevation of the barns and manure storage. **All of the buildings proposed at the site will be constructed at the same grade. The P6 north stack will be below existing grade 3ft, the P5 south stack will be raised 4.3 ft from the existing grade. I am still waiting for the drone topo data to be calibrated to the proper sequence to be able to give you the final finish grade feet in above sea level elevation numbers.**



+1 (269) 414-1994 >

Thu, Mar 16 at 08:41

I did have a question is it property line to property line or is it building to building?

Building to building

So even though the day care uses the entire property it's just building to building?

public use areas - Areas of high public use or where a high potential exists, are subject to setbacks to minimize the potential effect of livestock production facility on the people that use these areas. New livestock production facilities should not be constructed within 1,500 feet of homes; licensed commercial elder care facilities; licensed commercial day care facilities; school, government, commercial, professional, or religious buildings; publicly accessible parks or campgrounds (excluding terraces and trails). Existing livestock production facilities may be expanded within 1,500 feet of high public use areas with appropriate MDARD review and approval. The review process will include input from the local unit of government and from people who utilize those high public use areas. A 1,500-foot setback.

The language from the GAAMP is from facilities, so an argument could be made for the playground, but facilities for the livestock is considered the building itself and not the surrounding property.

All I can say is that I do have plans for that southern side of



Text Message





+1 (269) 414-1994 >

All I can say is that I do have plans for that southern side of the property. It is to be used for the children.

My staff are considering your entire property with the setback

Thank you

Thu, Mar 23 at 14:23

Sorry to bother once again. I wanted to clarify a statement. I understand that in the form that you provided me. It says facilities with that word not transfer to be the same as farm in this instance? Being that they're using the land to build on.

MICHIGAN RIGHT TO FARM ACT
Act 93 of 1981

AN ACT to define certain farm uses, operations, practices, and products; to provide certain disclosures; to provide for circumstances under which a farm shall not be found to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

History: 1981, Act 93, Imd. Eff. July 11, 1981;—Am. 1995, Act 94, Eff. Sept. 30, 1995.

The People of the State of Michigan enact:

286.471 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan right to farm act".

History: 1981, Act 93, Imd. Eff. July 11, 1981.

286.472 Definitions.

Sec. 2. As used in this act:

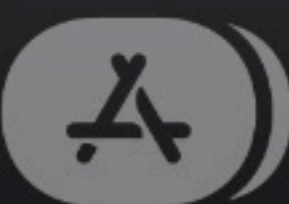
(a) "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

(b) "Farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

(i) Marketing produce at roadside stands or farm markets.

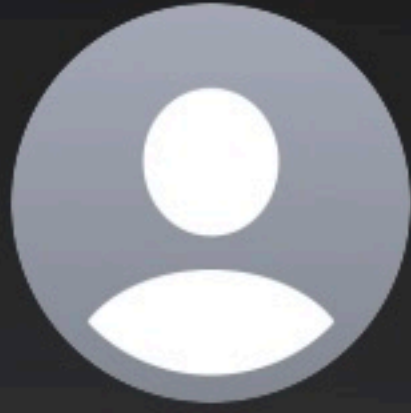
(ii) The generation of noise, odors, dust, fumes, and other associated conditions.

(iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles,



Text Message





+1 (269) 414-1994 >

understand that in the form that you provided me. It says facilities with that word not transfer to be the same as farm in this instance? Being that they're using the land to build on.

MICHIGAN RIGHT TO FARM ACT
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(i) Marketing produce at roadside stands or farm markets.

(ii) The generation of noise, odors, dust, fumes, and other associated conditions.

(iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to



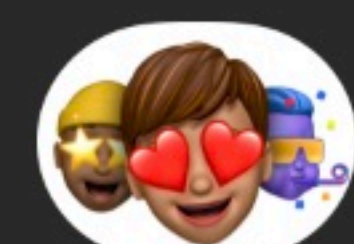
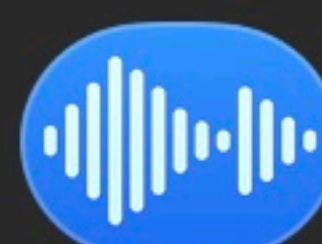
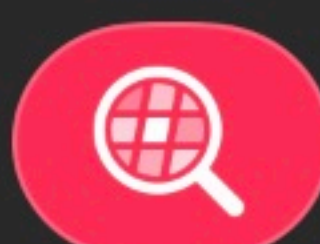
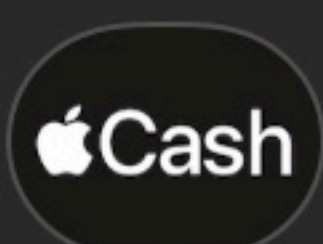
To clarify- in the Michigan Right to Farm Act, it very specifically says one, and the same "farm" is defined clearly all-inclusive. Considering that this is a poultry farm going on to the property, wouldn't it have to be inclusive of the property itself?

Tuesday 11:37

I have sent an email regarding water quality

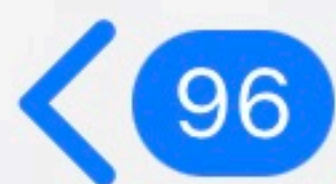


Text Message





1:58



+1 (269) 208-5899 >

Friday 12:56 PM

Hi Jay.

Theoretical question

If I wanted to move my whole complex east 75 or 100 feet is that highly problematic from your end? I realize I would probably need to pull new soil Borings under the spots and I would need to maintain property line setbacks from the east side gravel pit owner. I likely would just buy a little more from them.

I'm looking at site work is why I'm hypothesizing.

Friday 3:09 PM

He is out of the office now. I ll let you know when I hear back

Read Friday

Ok thx



iMessage



Applicant: Silver Creek Poultry
Address: ~51501 Bakeman Road
Date Received: March 1, 2023

County: Cass Consultant: Agronomic Solutions
Township, section: Silver Creek, 10

Livestock Siting Review Document

Lead Reviewer: Jay Korson

	General Review
<input checked="" type="checkbox"/>	Specified Type and Size of Facility: 4 42' x 500' layer barns with concrete floors
<input checked="" type="checkbox"/>	Type and Size of Manure Storage: 2 60'x60'x3' dry stack buildings with concrete floors and sidewalls
<input checked="" type="checkbox"/>	Project Specified as <input checked="" type="checkbox"/> New or <input type="checkbox"/> Existing Facility
<input checked="" type="checkbox"/>	Animal type(s) New: 45,000 layers
<input checked="" type="checkbox"/>	Animal units: New: 450 AU
<input type="checkbox"/>	No Apparent environmental or social concerns: emails and phone calls have been received from surrounding communities
<input checked="" type="checkbox"/>	Category Confirmed: Category 2 – less than 13 non-farm residence within ¼ mile – 7 homes
<input checked="" type="checkbox"/>	Verified Number of non-farm residences within ¼ or ½ mile, with addresses and notification method: Letter Identified on Google Earth
<input checked="" type="checkbox"/>	Identified GAAMPs property line setbacks based on category and project GAAMPs Initial Setback: 300' GAAMPs Minimum Setback: 250' Proposed Setbacks: N 250' E 500' S 250' W 335' Signed Variances: N <input checked="" type="checkbox"/> E <input type="checkbox"/> S <input checked="" type="checkbox"/> W <input type="checkbox"/> Reduction Request: N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W <input type="checkbox"/>
<input checked="" type="checkbox"/>	Reviewed and Attached Justification for Setback Reduction. Needed -signed variances received
<input checked="" type="checkbox"/>	Reviewed MMSP or CNMP and are found to be accurate and support the application. Does it support the application? Manure application plan/ nutrient balance needed Manure plan with ~900acres, soil samples, and estimated nutrient production. ~800 ton annually
<input checked="" type="checkbox"/>	Confirmed odor emission factors and centroid location in the MI OFFSET worksheet.
<input checked="" type="checkbox"/>	I inspected current or proposed facility for conformance to all other applicable GAAMPs Date: 4/26/23, 5/3/23 JPK

Applicant:
Address:

County:
Township, section: Applicant

Consultant:
Date Received:

Lead Reviewer: Jay Korson

Mapping

<input checked="" type="checkbox"/>	Complete Site Plan with exact locations of current and proposed livestock facilities outlined in Tan. Non-livestock buildings are labeled. Complete plan includes: Property lines in Grey Utilities in Dark Red Septic systems, culverts, and drains identified in Black.
<input checked="" type="checkbox"/>	Created $\frac{1}{4}$ or $\frac{1}{2}$ mile radii from the from the edges of the facility in Red. Plotted non-farm residences in White and numbered and named. Farm residences have been marked in Green.
<input checked="" type="checkbox"/>	Identified surface water or wetlands and drainage patterns in Dark Blue.
<input checked="" type="checkbox"/>	_____wells are within 2,000 ft. of the production facility. Mapped in Light Blue and labelled by type. Took linear measures from edges of the facility in Yellow. No well meets the following criteria: Type IIA w/in 2,000, Type IIB or Type III w/in 800 or Private Well w/in 75' or has an attached Health Department or DEQ Variance. Wells with a variance should be indicated with a starred icon. Request well logs for all wells within 2000ft; need HD permit for facility well. Church well location, Daycare well log and location. Well logs received for nearest private wells and daycare
<input checked="" type="checkbox"/>	Outlined all high public use areas in Purple. Took linear measures from edges of the facility in yellow, greater than 1,500 ft or signed variance from local unit of government. High public use areas in the vicinity of this project include: Church identified to the east ~2100'; daycare to the NW ~1500' submitted updates indicate manure storage is over 1500' from daycare property line. Application supply signed notification and variance?
<input checked="" type="checkbox"/>	Confirmed the location of migrant labor housing camps in the area, mapped in Pink if applicable. Took linear measurements in Yellow, greater than 500 ft. NA
<input checked="" type="checkbox"/>	Mapped Wellhead protection areas, facility does not impinge. included
<input checked="" type="checkbox"/>	Mapped political boundaries for municipalities as indicators of residential or commercial zones. Took linear measures from the edge of the facility in yellow, unless greater than 1,500 ft.
<input checked="" type="checkbox"/>	Verified that an accurate soils and topographic maps have been submitted.
<input checked="" type="checkbox"/>	Confirmed an accurate 100-year flood plain map was submitted, facility does not impinge. If so, it does not meet criteria for presence in this area per the GAAMPs.
<input checked="" type="checkbox"/>	Mapped the MI OFFSET 95% annoyance boundary and centroid for the facility in Orange. Any non-farm homes within the boundary have an attached odor variance. None in odor plume

Applicant:
Address:

County:
Township, section: Applicant

Consultant:
Date Received:

Lead Reviewer: Jay Korson

JPK
5/8/23

I have reviewed this Livestock Siting application and conclude that it meets the criteria outlined in the Site Selection GAAMPs.

Other Comments:

Secondary Reviewer: Kyle McCarty

General Review



Specified Type and Size of Facility: **4 layer barns 42' x 500'**



Type and Size of Manure Storage: **2 drystack barns 60' x 60' x 3'**



Project Specified as ☒ New or ☐ Existing Facility



Animal type(s) New: **45,000 chickens (layers)**
Existing: Proposed:

= ~1.86 sq ft per bird



Animal units: New: **450 Animal Units**
Existing: Proposed:



No Apparent environmental or social concerns:



Category Confirmed: **category 2 New**



Verified Number of non-farm residences within 1/4 or 1/2 mile, with addresses and notification method: **7 Non-farm neighbors**
Identified on Google Earth



Identified GAAMPs property line setbacks based on category and project
GAAMPs Initial Setback: 300'
GAAMPs Minimum Setback: 250'
Proposed Setbacks: N **250'** E **500'** S **250'** W **330'**

Applicant:
Address:

County:
Township, section: Applicant

Consultant:
Date Received:

	Signed Variances: N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W <input type="checkbox"/> Reduction Request: N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W <input type="checkbox"/>
<input type="checkbox"/>	Reviewed and Attached Justification for Setback Reduction.
<input type="checkbox"/>	Reviewed MMSP or CNMP and are found to be accurate and support the application. Does it support the application? Manure management plan submitted, plan supports that utilization will be appropriately managed and can meet fertilization goals.
<input checked="" type="checkbox"/>	Confirmed odor emission factors and centroid location in the MI OFFSET worksheet.
<u> x </u>	I inspected current or proposed facility for conformance to all other applicable GAAMPs Date: 5/3/23 with JPK
	Mapping
<input type="checkbox"/>	Complete Site Plan with exact locations of current and proposed livestock facilities outlined in Tan. Complete plan includes: Producer indicated they will work with county health department to obtain appropriate permits for septic and well prior to final conformance review.
<input type="checkbox"/>	Created ¼ or ½ mile radii from the from the edges of the facility in Red. Plotted non-farm residences in White and numbered and named. Farm residences have been marked in Green.
<input type="checkbox"/>	Identified surface water or wetlands and drainage patterns in Dark Blue.
<input type="checkbox"/>	<u> 3 </u> wells are within 2,000 ft. of the production facility. Mapped in Light Blue and labelled by type. Took linear measures from edges of the facility in Yellow. No well meets the following criteria: Type IIA w/in 2,000, Type IIB or Type III w/in 800 or Private Well w/in 75' or has an attached Health Department or DEQ Variance. Wells with a variance should be indicated with a starred icon. Producer submitted well logs for nearest drinking water wells
<input type="checkbox"/>	Outlined all high public use areas in Purple. Took linear measures from edges of the facility in yellow, greater than 1,500 ft or signed variance from local unit of government. High public use areas in the vicinity of this project include: Application supply signed notification and variance?

Applicant:
Address:

County:
Township, section: Applicant

Consultant:
Date Received:

	High public use areas appear to be more than 1500' from livestock facility components.
<input type="checkbox"/>	Confirmed the location of migrant labor housing camps in the area, mapped in Pink if applicable. Took linear measurements in Yellow, greater than 500 ft. N/A
<input type="checkbox"/>	Mapped Wellhead protection areas, facility does not impinge. Nearest WHPA ~1 mile NE (White Pines Mobile Home Park)
<input type="checkbox"/>	Mapped political boundaries for municipalities as indicators of residential or commercial zones. Took linear measures from the edge of the facility in yellow, unless greater than 1,500 ft.
<input type="checkbox"/>	Verified that an accurate soils and topographic maps have been submitted. They have been submitted. Topography variable, soils indicate this is a gravel pit.
<input type="checkbox"/>	Confirmed an accurate 100-year flood plain map was submitted, facility does not impinge. If so, it does not meet criteria for presence in this area per the GAAMPs.
<input type="checkbox"/>	Mapped the MI OFFSET 95% annoyance boundary and centroid for the facility in Orange. Any non-farm homes within the boundary have an attached odor variance.
KM – 5/8/23	I have reviewed this Livestock Siting application and conclude that it meets the criteria outlined in the Site Selection GAAMPs.
	Other Comments: <ul style="list-style-type: none">Written reduction request from owner for property line reductions from 300' (recommended) to 250' (minimum) was not included with application. Property line reduction variances (appendix c) were submitted by neighbors adjacent to property lines where 250' setbacks were observedOffice building (in green) doesn't identify if a bathroom is included with that structure (septic system). Owner indicates there will be a bathroom/septic/ and well at this location. Owner indicates they will work with local health department to obtain an appropriate septic and well permit – will confirm this was completed at time of final site selection review.Existing Steel roof building on SW corner of property not labeled (old scale house?) Building will not house livestock – owner indicated this will potentially be utilized as a storage building or will be removed

Applicant:
Address:

County:
Township, section: Applicant

Consultant:
Date Received:

Engineering Reviewer:

	Approval to Construct
<input type="checkbox"/>	Well isolation distances as mapped by the Review Team meet minimum isolation distances or have appropriate reductions or variances.
<input type="checkbox"/>	Appropriate subsurface investigations were conducted. Seasonally high-water tables will be addressed appropriately.
<input type="checkbox"/>	I have reviewed all engineered plans for liquid or solid waste impoundments, meet specifications.
<input type="checkbox"/>	I have reviewed all engineered plans for fabricated structures, meet specifications.
<input type="checkbox"/>	The proposed facility meets NRCS WSF 313 practice standard
	Final Conformance
<input type="checkbox"/>	I conducted an on-site construction inspection on / /
<input type="checkbox"/>	I have reviewed all as-built drawings stamped by a licensed PE for liquid waste impoundments.
<input type="checkbox"/>	I have reviewed all as-built drawings stamped by a licensed PE for fabricated structures.
<input type="checkbox"/>	I took part in a final inspection of this facility on / /
<input checked="" type="checkbox"/>	The constructed facility meets NRCS WSF 313 practice standard

Siting Review Committee	
Date	Action
	Site Suitability Approval <input type="checkbox"/> Appealed on / / <input type="checkbox"/> MCARD Reviewed on / / <input type="checkbox"/> Director Decision on / / <input type="checkbox"/> Upheld <input type="checkbox"/> Reversed
Notes:	
	Construction Approval
Notes:	
	Final Conformance
Notes:	
<div>X Ben Tirrell</div>	

From: [Korson, Jay \(MDARD\)](#)
To: [Wozniak, Michael \(MDARD\)](#); [McCarty, Kyle \(MDARD\)](#)
Subject: RE: Profile on Day care Bakeman Rd.
Date: Monday, March 13, 2023 10:03:51 AM
Attachments: [image001.png](#)

Thanks. I saved this in the review folder.

Jay Korson
c: 517-285-1918
o: 517-284-5618

Michigan Department of Agriculture and Rural Development
Environmental Stewardship Division
Right to Farm Program
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909

www.michigan.gov/righttofarm



From: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>
Sent: Monday, March 13, 2023 9:37 AM
To: Korson, Jay (MDARD) <KorsonJ@michigan.gov>; McCarty, Kyle (MDARD) <McCartyK@michigan.gov>
Subject: FW: Profile on Day care Bakeman Rd.

Licensed childcare facility on Bakeman rd; Regarding Silver Creek Poultry

Michael Wozniak, PE
MDARD, ESD, Right to Farm Program
517-285-1752

From: Shawna Wyngarden <mamashousefamilybiz@gmail.com>
Sent: Monday, March 13, 2023 8:51 AM
To: Wozniak, Michael (MDARD) <WozniakM1@michigan.gov>
Subject: Profile on Day care Bakeman Rd.

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

This is a copy of the preliminary profile regarding Mama's House Daycare.

License ID: DF140415298

I am Registered with LARA in in the continued process since Jan 2023.

Thank you for your help and assistance.

Shawna Wyngarden 269-414-1994

Sent from [Mail](#) for Windows

Silver Creek Poultry LLC

Cass County

Manure Management System Plan

General Overview

Silver Creek Poultry LLC would like to build a new Miller Poultry breeder barn layer operation in Cass County, Silver Creek Township, Section 10. The operation will consist of 4 - 42'x500' layer barns, each holding 11,250 layers, and 2 - 60'x60'x3' manure storages. There will be a total of 45,000 layers or 450 animal units on site once construction is complete. This operation is located on the east side of Bakeman Rd about a 1/4 mile north of the Topash Rd & Bakeman Rd intersection. The proposed site used to be part of a gravel pit and the producer has just purchased the front 40 acres of the site. The barns themselves will provide the producer with more than a year's worth of manure storage. The producer is hoping to begin construction on all the layer barns just as quickly as we can get approval to start construction. Miller Poultry has already planned for birds to hopefully enter the barns in July, so we are operating on a very tight schedule.

This production site does not require a CAFO permit from EGLE since there will be less than 82,000 layers on the site.

The producer is planning to utilize the nutrients on his ground. We have included 901.37 acres in this plan that are farmed by Joel Layman. This operation should produce enough manure to cover 800.00 acres per year if it is spread at a 1 ton/A average rate.

Volume and Nutrient Production From All Sources

Animal Output Details

Animal ID	Type or Phase	Head	Weight	Confinement Period	Days Confined	% Coll.	Storage ID
Layers 1	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 1
Layers 2	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 2
Layers 3	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 3
Layers 4	Layer	11,250	4	Jan Early - Dec Late	365	100	Barn 4

Estimated Manure Nutrient Analysis

Manure Source	Total N	NH ₄	Avail. N	Avail. P ₂ O ₅	Avail. K ₂ O	Units	Source
Layer Litter	49.9	10.8	34.3	77.3	51.4	lbs/ton	Ave Actual Analysis

Estimated Annual Volume and Nutrient Production From All Sources

Storage ID	Annual Volume	Units	Avail. N	P ₂ O ₅	K ₂ O	Source
Barn 1	200 Ton		6,860	15,460	10,280	Actual
Barn 2	200 Ton		6,860	15,460	10,280	Actual
Barn 3	200 Ton		6,860	15,460	10,280	Actual
Barn 4	200 Ton		6,860	15,460	10,280	Actual

	Avail. N	Avail P ₂ O ₅	Avail K ₂ O
Total for all Storage ID's	27,440	61,840	41,120

For this plan we used the manure generation amounts and manure sample averages from the existing layer operations all over Indiana and Michigan that we work with. We believe that the actual data and past history that we have with the other similar type operations will provide much more useful and accurate manure information for the producer to use.

Manure Collection

The manure will all be collected in the barn as the birds excrete the manure in the barn.

Manure Storage

The layer barn contains its own self-contained storage on the floor of the barn.

Estimated Days of Storage

Storage ID	Storage Type	Capacity	Units	Annual Collected	Days Storage
Barn 1	Litter	472 Ton		200	861
Barn 2	Litter	472 Ton		200	861
Barn 2	Litter	472 Ton		200	861
Barn 2	Litter	472 Ton		200	861
Storage 1	Dry stack	202 Ton			
Storage 2	Dry stack	202 Ton			

Storage Totals	Capacity	Units	Annual Collected
Litter	2,292 Ton		800

Manure Treatment

There is no treatment of manure.

Manure Transfer and Application

The producer plans to land apply the manure on his own fields. This operation should produce enough manure to cover 400.00 acres per year if it is spread at a 2 ton/A average rate. The equipment used will need to be carefully calibrated to spreading the lower land application rates that are required with the nutrient rich litter that is being applied.

The manure will be applied as needed. Since there is over a year's worth of storage winter spreading and alternative crops are not needed to sustain this system. The majority of the manure will be spread when the barn is completely cleaned out between batches of layers, once every 12-15 months.

The manure application equipment will need to be calibrated once manure spreading begins at this production site. A MI NRCS 590 Standard map will be given to the producer so he can properly choose manure application sites and rates.

Manure Utilization

Estimated Annual Nutrient Balance

Crop	Yield Goal	Acres	Nitrogen*	P ₂ O ₅	K ₂ O
Alfalfa	5	84.1	18,931	5,469	21,035
Corn grain	200	438.1	63,522	30,666	17,523
Soybean	60	379.1	86,445	18,199	26,161
	Totals	901.4	168,899	54,334	64,719
Annual Nutrient Production			27,440	61,840	41,120
Nutrient Balance			-141,459	7,506	-23,599

The chart above shows that the producer does not produce enough nitrogen or potash to meet his crop need and additional fertilizer will be needed. It also shows that there is surplus of phosphorus. If the soil test P levels begin to rise additional acres may be needed. These manure numbers come from existing layer operations all over Michigan that we work with for Miller Poultry. Actual manure production amounts and analysis in the future will allow us to better determine if additional acreage will actually be needed. We believe that the actual data and past history that we have with the other similar type operations will provide much more useful and accurate manure information for the producer to use.

The crop rotation is mainly commercial corn, soybeans and some alfalfa. A map is included that shows all of the fields mapped against the MI NRCS 590 Standard.

The producer should be producing approximately 800 tons of manure each year, which spread at 2 ton/A means that they will cover 400.00 acres per year with manure.

Soil Test Information

Field	Subfield	Acres	Test Yr	OM %	P	K	Mg	Ca	Units	Soil pH	CEC
Bakeman 1	B1	18.6	2022	1.6	20	93	115	655	ppm	6.0	5.9
Bakeman 2	B2	19.7	2022	1.7	19	101	127	658	ppm	6.2	5.8
Bakeman 3	B3	19.2	2022	1.9	24	104	158	783	ppm	6.6	6.5
Bakeman 4	B4	19.6	2022	1.6	15	83	143	692	ppm	6.2	6.1
Bakeman 5	B5	17.0	2022	1.3	29	85	106	585	ppm	6.2	5.1
Bakeman 6	B6	19.9	2022	1.5	23	80	104	586	ppm	6.4	5.2
Bakeman 7	B7	17.4	2022	1.7	23	82	106	619	ppm	6.1	5.4
Holle 1	H1	14.6	2020	1.6	112	94	83	417	ppm	5.7	4.2
Holle 2	H2	13.7	2020	2.1	40	88	142	700	ppm	6.4	5.7
Holle 3	H3	13.7	2020	1.4	35	74	108	450	ppm	6.3	3.7
Holle 4	H4	13.6	2020	1.5	93	94	123	517	ppm	6.2	5.1
Holle 5	H5	13.6	2020	1.8	76	89	118	533	ppm	6.2	5.1
Holle 6	H6	14.9	2020	1.3	112	67	100	450	ppm	6.5	3.7
Holle 7	H7	14.2	2020	1.4	44	65	125	583	ppm	6.7	4.5
Holle 8	H8	14.6	2020	1.6	27	81	125	533	ppm	6.4	4.8
New Organic E1	NOE1	11.4	2020	0.9	94	79	62	320	ppm	5.7	3.8
New Organic E2	NOE2	12.9	2020	1.2	26	60	106	350	ppm	5.5	4.4
New Organic E3	NOE3	10.4	2020	0.6	68	60	75	350	ppm	5.9	3.7
New Organic N1	NON1	11.5	2020	1.1	37	68	179	638	ppm	6.2	5.0

Field	Subfield	Acres	Test Yr	OM %	P	K	Mg	Ca	Units	Soil pH	CEC
New Organic N2	NON2	13.3	2020	1.1	51	73	78	340	ppm	5.2	5.4
New Organic N3	NON3	12.0	2020	1.2	36	94	105	467	ppm	5.4	6.9
New Organic N4	NON4	15.4	2020	1.1	74	92	91	521	ppm	5.6	6.3
New Organic S1	NOS1	14.6	2020	1.4	59	78	93	375	ppm	5.8	4.1
New Organic S2	NOS2	18.1	2020	0.9	47	40	58	375	ppm	5.5	3.9
New Organic W	NOW	5.5	2020	0.9	33	67	120	650	ppm	5.7	6.3
River Bottom 1	RB1	19.2	2022	3.5	43	145	318	2,631	ppm	7.7	16.2
River Bottom 2	RB2	20.9	2022	4.2	34	163	358	3,083	ppm	7.8	18.8
River Bottom 3	RB3	21.2	2022	4.7	31	123	325	3,557	ppm	7.9	20.8
River Bottom 4	RB4	22.1	2022	3.9	25	127	220	4,900	ppm	7.9	26.7
Scherer 28A	S28A	15.1	2022	1.4	41	77	127	740	ppm	7.1	5.2
Scherer 28B	S28B	13.9	2022	1.8	27	88	165	875	ppm	7.1	6.0
Scherer 30	S30A	15.7	2022	1.2	84	113	109	750	ppm	7.1	5.0
Scherer 30	S30B	13.8	2022	1.1	78	103	94	650	ppm	7.1	4.3
Scherer 37	S37A	18.7	2022	1.1	60	128	125	800	ppm	7.0	5.5
Scherer 37	S37B	19.4	2022	1.0	60	92	108	788	ppm	7.2	5.1
Scherer 51	S51A	16.0	2022	1.1	93	105	100	760	ppm	7.2	4.9
Scherer 51	S51B	16.7	2022	1.0	83	88	90	670	ppm	7.3	4.3
Scherer 51	S51C	16.1	2022	1.1	104	102	92	714	ppm	7.2	4.6
Thomas 1	T1	1.1	2022	1.5	38	69	140	671	ppm	6.5	5.3
Thomas 2	T2	15.5	2022	1.5	41	59	144	679	ppm	6.6	5.5
Thomas 3	T3	16.8	2022	1.2	28	68	136	582	ppm	6.9	4.5
Thomas 4	T4	16.4	2022	1.1	23	64	130	564	ppm	6.8	4.7
Tribe 53A	T53A	18.3	2022	1.4	74	125	111	656	ppm	6.5	5.3
Tribe 53B	T53B	18.3	2022	1.3	73	111	109	640	ppm	6.5	5.2
Tribe 53C	T53C	14.4	2022	1.3	107	153	128	633	ppm	6.1	6.0
Webster N1	WBN1	20.5	2022	2.0	20	72	116	694	ppm	6.6	5.2
Webster N2	WBN2	24.5	2022	2.1	28	68	113	660	ppm	6.6	4.9
Webster S1	WBS1	18.1	2022	2.4	69	209	135	1,031	ppm	6.9	7.0
Webster S2	WBS2	14.4	2022	2.4	73	227	139	993	ppm	6.9	7.0
Webster Tracks	WBT	13.3	2022	2.6	33	161	108	940	ppm	6.5	7.2
Wicks N1	WN1	17.2	2022	1.5	63	63	139	550	ppm	7.1	4.1
Wicks N2	WN2	18.8	2022	1.4	61	46	100	475	ppm	6.8	3.4
Wicks N3	WN3	9.9	2022	1.5	114	52	100	550	ppm	6.8	3.9
Wicks N4	WN4	15.3	2022	1.3	68	43	87	433	ppm	6.8	3.0
Wicks N5	WN5	17.2	2022	1.3	66	48	131	538	ppm	6.9	3.9
Wicks N6	WN6	18.7	2022	1.1	38	43	82	383	ppm	7.0	2.7
Wicks N7	WN7	14.4	2022	1.8	61	65	125	525	ppm	6.9	3.9

Silver Creek Poultry LLC

Cass County

Mortality Management

Livestock Mortality in the state of Michigan is covered under the Bodies of Dead Animals Act 239 of 1982, commonly referred to as BODA. BODA requires all mortality to be disposed of within 24 hours after death regardless of disposal, unless stored in a secure area at less than 40 degrees Fahrenheit for a maximum of 7 days or at less than zero degrees Fahrenheit for a maximum of 30 days.

Composting

a) Plan for Mortality Disposal

The producer is planning to have his mortality composter bins inside his manure stacks, using the stackable blocks to make the bins. The dead animal will be transported to the composting bin with 24 hours of death, as the producers walk thru the barns daily. Composting is an approved BODA method of handling mortalities, therefore it meets all requirements.

b) Methods and Equipment Used to Implement the Disposal Plan

The equipment needed would include the facility itself and a loader tractor. The skid loader or tractor loader would be needed to transport the dead animal to the compost facility and then to add the sawdust, mix and move the composting materials.

The proper carbon to nitrogen ratio shall be maintained by using a mix of 100 ft³ of sawdust per 1,000 lbs. of carcass to maintain a carbon to nitrogen ratio of 20-30 to 1. Ammonium nitrate may be added as needed to reach the optimum C:N ratio.

The proper moisture content shall be maintained at 50-60% by: using damp but not wet sawdust, adding water as needed, allowing green (wet) sawdust to dry before using in compost mix.

The temperature of the compost shall be monitored and shall reach a minimum of 135°F. Compost that does not reach that temperature shall be dismantled, corrected and rebuilt in order to reach this optimal temperature. When the temperature of the compost falls below 105°F, the compost shall be turned to a secondary bin.

Procedure for loading the facility:

1. One foot of sawdust should be placed on the bottom of the bin.
2. Carcasses should be placed in layers with at least one foot of sawdust between each layer.
3. Carcasses should be completely covered with at least one foot of sawdust.
4. Large carcasses should have one foot of sawdust between carcasses within the same layer.
5. A minimum of 6 inches of sawdust should be maintained between all sides of the composting bins.

Procedure for loading the bins:

1. The first bin should be filled over a two month period.
2. The second bin should be filled over the next two month period.
3. After the second two month period, the compost from the first bin should be moved to the third bin for secondary composting.
4. Bin #1 should now be filled again for two months.
5. After the two month period, compost from bin #3 should be removed for final disposal and bin #2 should be put into bin #3 for secondary composting.
6. Bin #2 should be filled again.

The completed compost shall be land applied when ground conditions are suitable for spreading.

c) Additional Requirements (records):

Producers must initially maintain 2 years worth of records on their composting activities. These initial records are required and should be kept indefinitely. Failure to provide these records is a violation of the rules stated in BODA. See the attached MAEAP Animal Tissue Composting Record.

Records Include:

- Volume of tissue put into the compost pile (vessel)
- Turn dates
- Twice per week temperature measurement of bins or piles (vessel)
- Disposal location
- Disposal volume and dates

Catastrophic Mortality

Plan for Catastrophic Mortality

In the event of a large production of mortalities, either intentional or unintentional, the mortalities shall be handled in the following manner:

Event	Response
Disease	Rendering or bury on site
Fire	Bury on site
Mother Nature	Rendering or bury on site
Mechanical Malfunction	Rendering or bury on site

Rendering: Darling International Inc. (Dar Pro Solutions) toll free 24hr 1-855-327-7761 or G.A. Wintzer & Son Co. (419) 738-3771



Batch
Start date
End date

Animal Tissue Composting Record

Farm Name:	Farm Owner	
Address:	City:	Zip:
County:	Township:	
Composting System (Bins, Windrow, Pile, Overlapping Piles, IV or combination thereof):		
<p>These records must be maintained permanently. These records shall be made available to the director of the Department of Agriculture upon request. Batch temperature must be taken at least once each week.</p>		

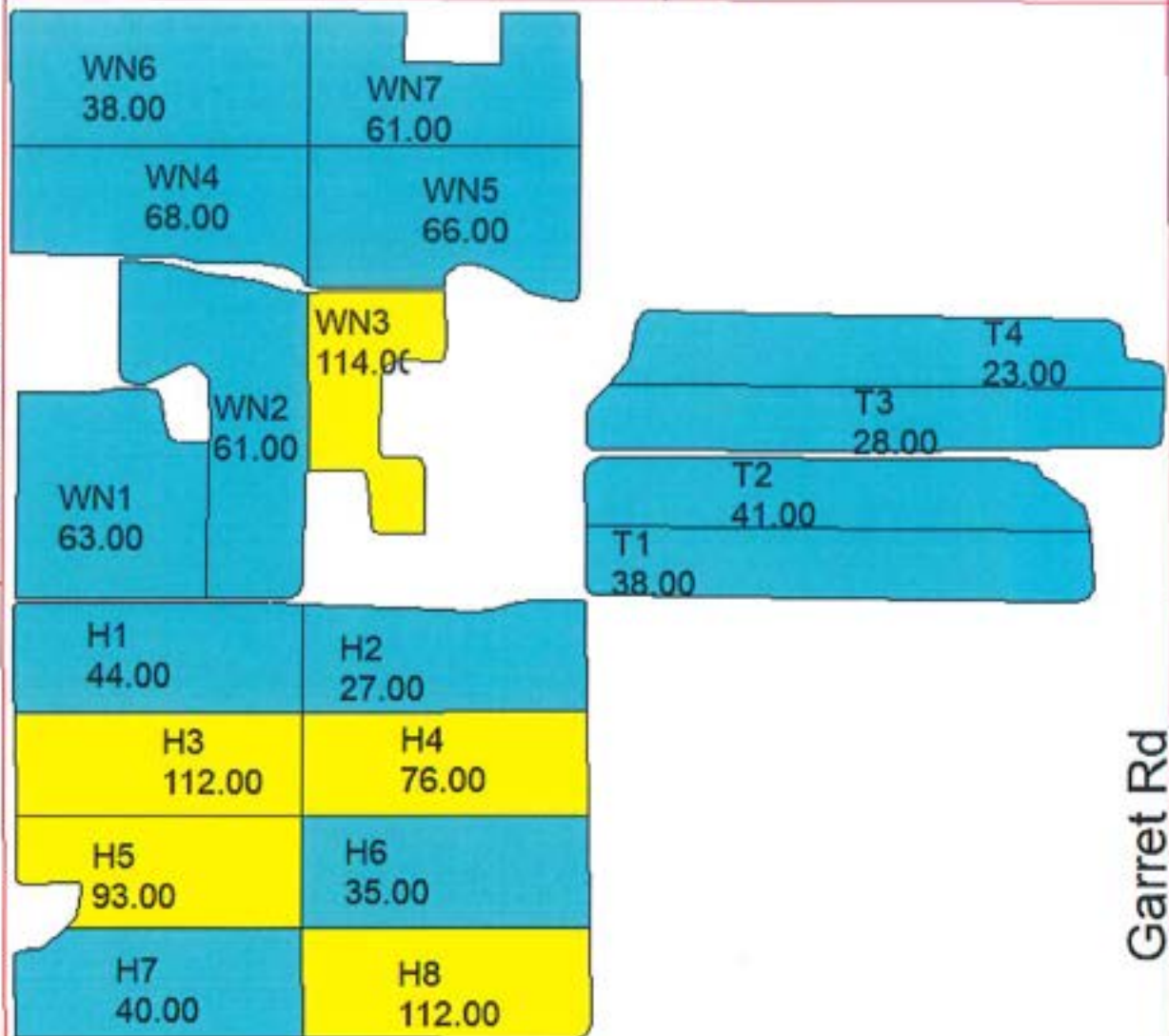
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Silver Creek Farms LLC

Topash Rd

Indian Lake Rd

Garret Rd

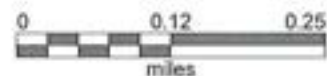


Soil Test Phosphorus

- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results

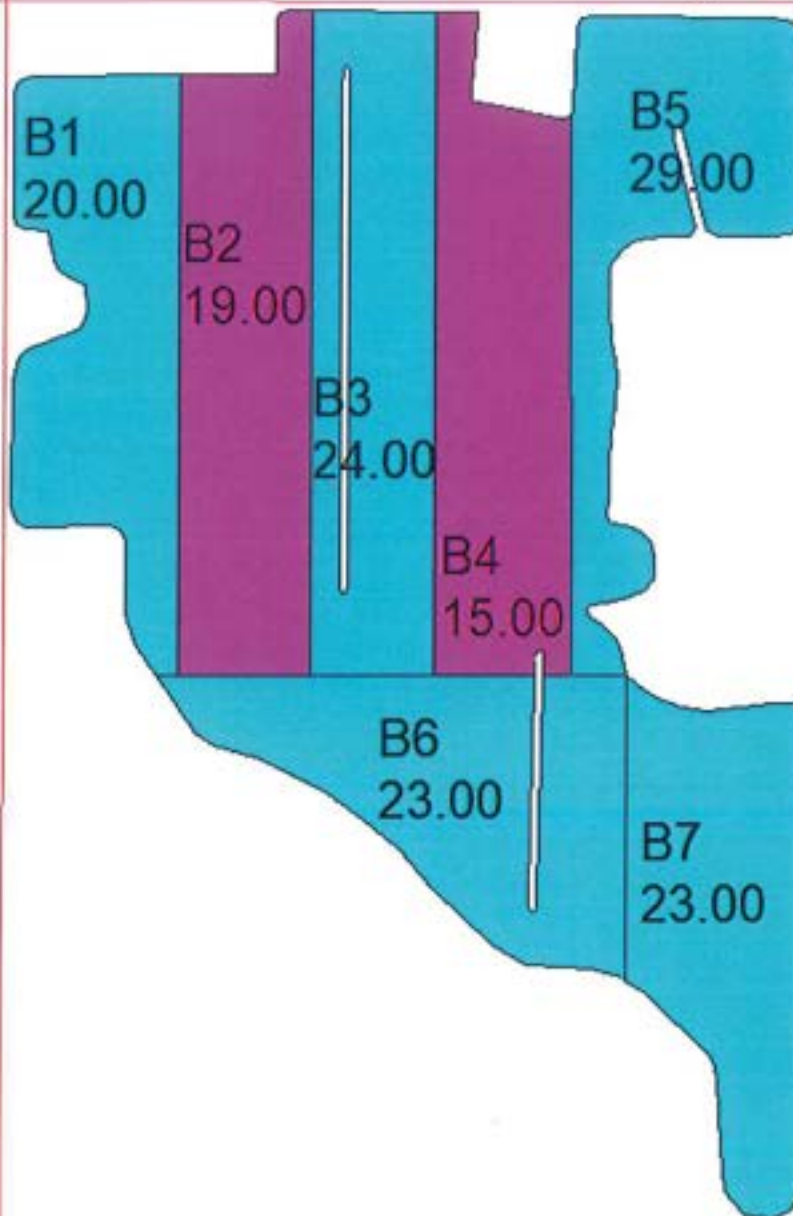
Legend based on MI NRCS 590 standard



Silver Creek Farms LLC

Middle Crossing Rd

Indian Lake Rd

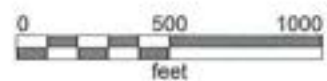


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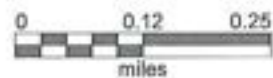
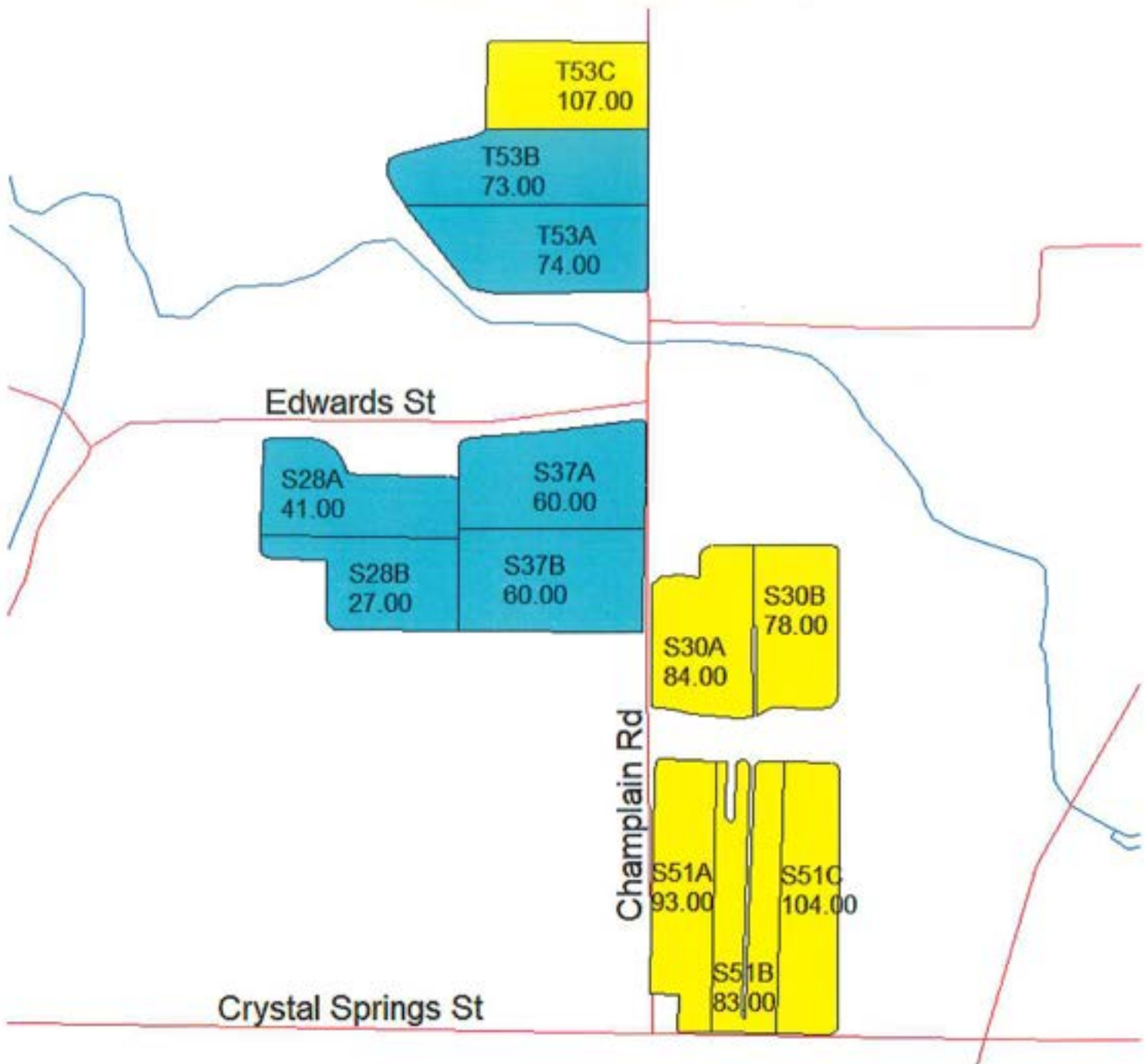
- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results

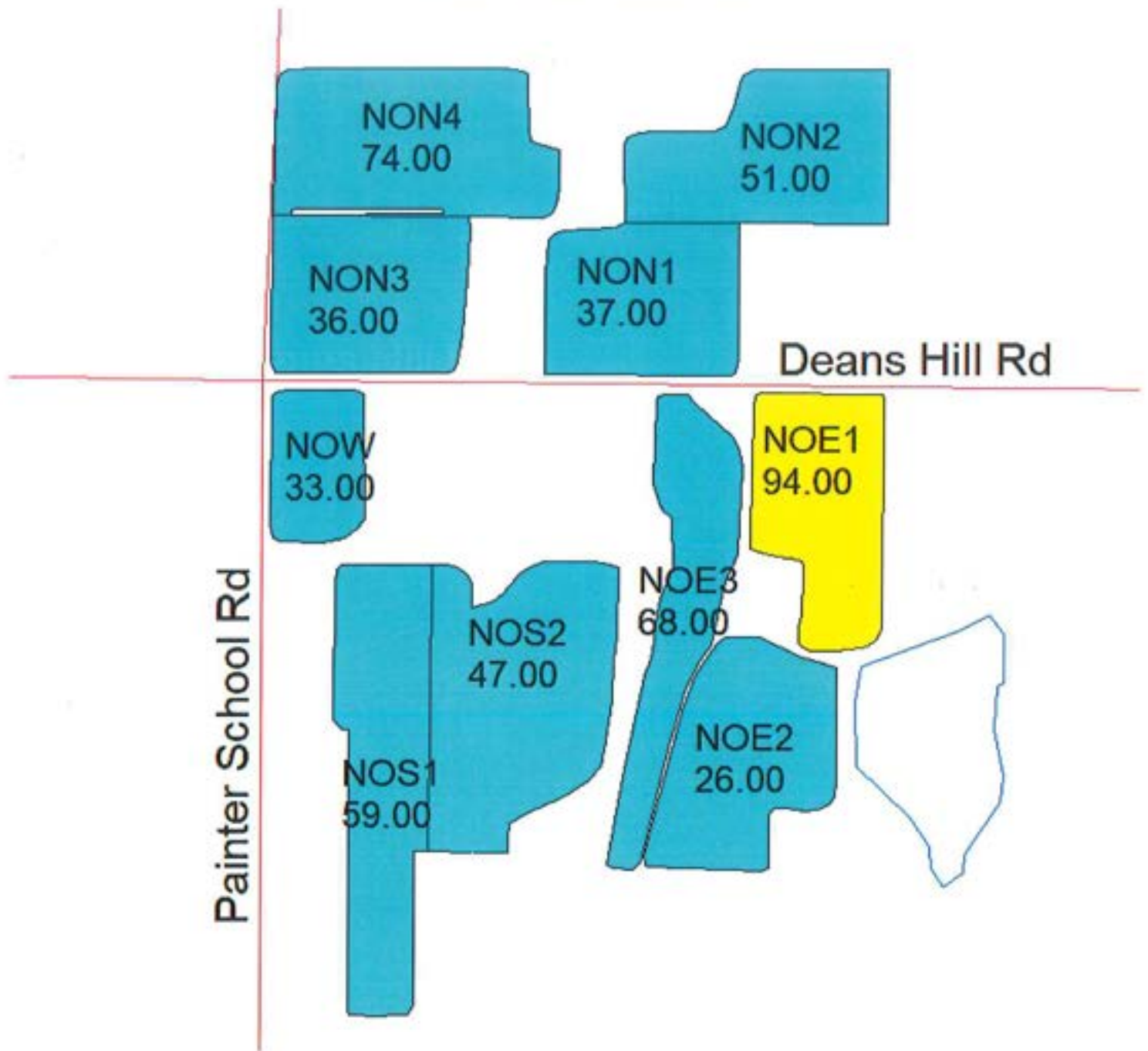
Legend based on MI NRCS 590 standard



Silver Creek Farms LLC



Silver Creek Farms LLC

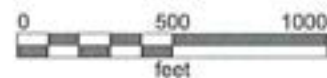


Soil Test Phosphorus

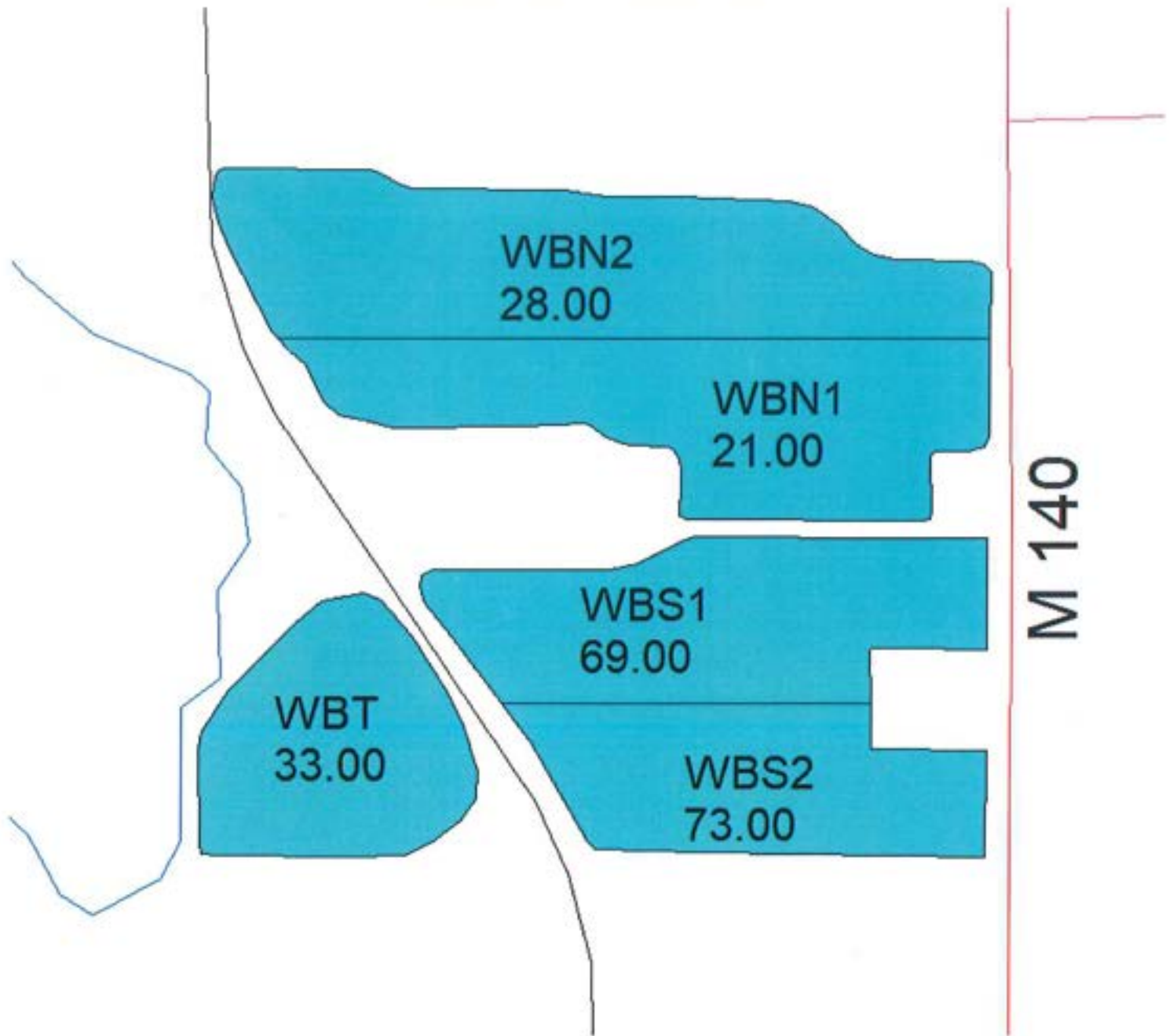
- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results

Legend based on MI NRCS 590 standard



Silver Creek Farms LLC

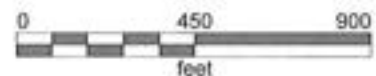


Soil Test Phosphorus

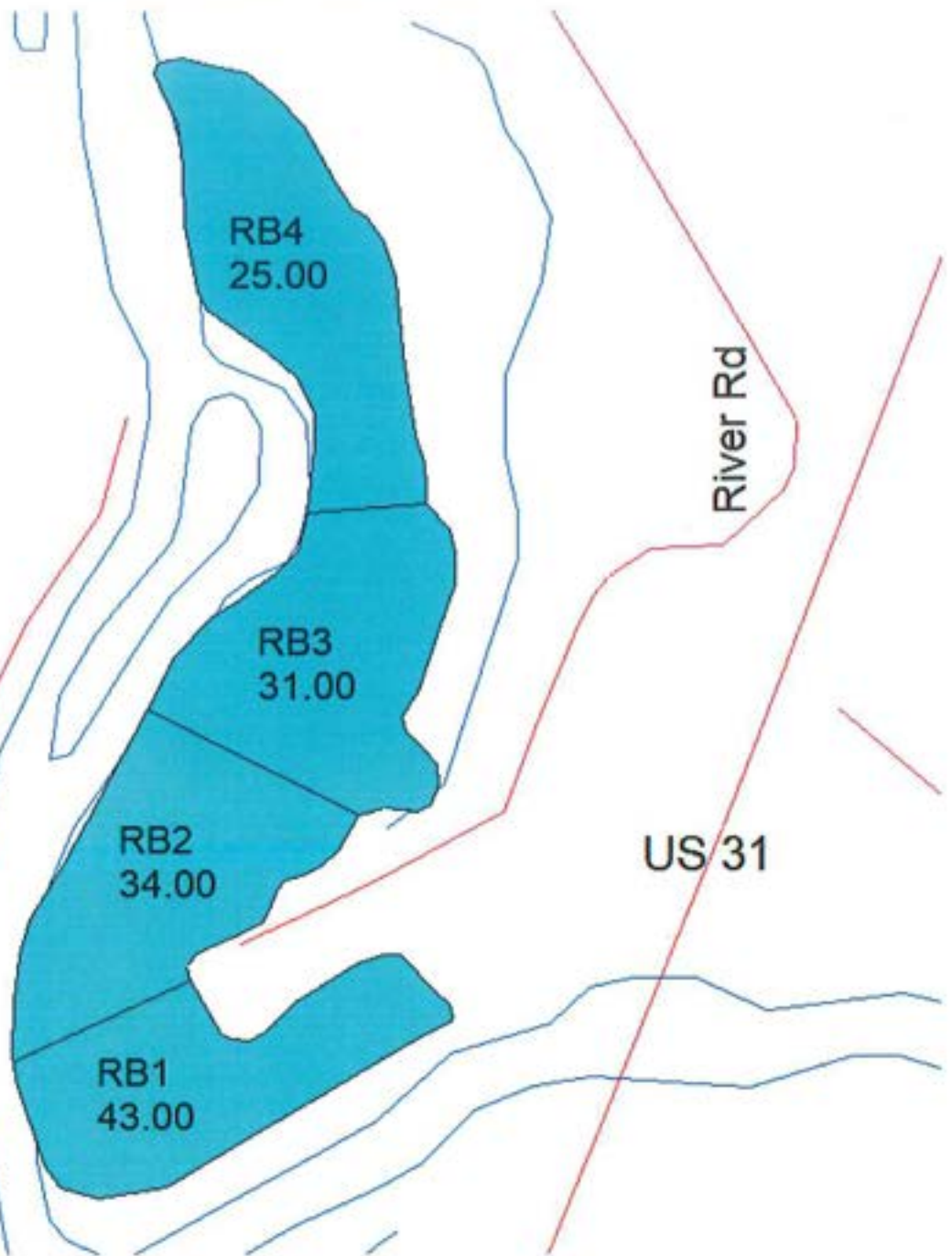
- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results

Legend based on MI NRCS 590 standard



Silver Creek Farms LLC



Soil Test Phosphorus

- No P Application
- Crop Removal
- Nitrogen Based
- Critical Level

Soil Test Phosphorus Results

Legend based on MI NRCS 590 standard



Appendix A

Certification of Notification of Non-farm Residences

I, Silver Creek Poultry LLC (Joel Layman), am constructing a new layer facility. As required in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities, I certify that I have notified the following residences within ¼ mile distance from my facility by way of letter through registered mail:

Name	Address	Notification Method	Resident Signature (optional)
Robin Valenzuela	51900 Bakeman Rd Dowagiac, MI 49047	Letter	
Frank Wesolowski	51970 Bakeman Rd Dowagiac, MI 49047	Letter	
Brian McMeeken & Sarah Marhanka	203 N Center Hartford, MI 49057	Letter	
Christopher & Frances Maxey	30284 Topash St Dowagiac, MI 49047	Letter	
Anita Beach Life Estate	52328 Brosnan Rd Dowagiac, MI 49047	Letter	
Dale & Candance Young Life Estate	30626 Topash St Dowagiac, MI 49047	Letter	
Philip & Jennie Crawford	31255 Topash St Dowagiac, MI 49047	Verbal (3/7/23)	

Name: Silver Creek Poultry LLC (Joel Layman)

Address: 7580 Lake Rd Berrien Center, MI 49102

Signature: 

Date: 5-12-23

From: [Mandy Gangwer](#)
To: [Korson, Jay \(MDARD\)](#)
Subject: Silver Creek Update
Date: Friday, May 12, 2023 2:10:29 PM
Attachments: [Silver Creek Neighbor Letter 5.12.23.pdf](#)
[Silver Creek Poultry LLC Updated 5.12.23.kmz](#)

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jay,

Attached is the updated and signed Appendix A for Silver Creek. I also added the house to the .kmz file. If you need anything else, please let me know.

Thanks,

Mandy Gangwer

Agronomic Solutions LLC

PO Box 340

Topeka, IN 46571

(260) 593-2092

mandy@agronomicsolutionsllc.com

Silver Creek Poultry LLC

Cass County

Mortality Management

Livestock Mortality in the state of Michigan is covered under the Bodies of Dead Animals Act 239 of 1982, commonly referred to as BODA. BODA requires all mortality to be disposed of within 24 hours after death regardless of disposal, unless stored in a secure area at less than 40 degrees Fahrenheit for a maximum of 7 days or at less than zero degrees Fahrenheit for a maximum of 30 days.

Composting

a) Plan for Mortality Disposal

The producer is planning to have his mortality composter bins inside his manure stacks, using the stackable blocks to make the bins. The dead animal will be transported to the composting bin with 24 hours of death, as the producers walk thru the barns daily. Composting is an approved BODA method of handling mortalities, therefore it meets all requirements.

b) Methods and Equipment Used to Implement the Disposal Plan

The equipment needed would include the facility itself and a loader tractor. The skid loader or tractor loader would be needed to transport the dead animal to the compost facility and then to add the sawdust, mix and move the composting materials.

The proper carbon to nitrogen ratio shall be maintained by using a mix of 100 ft³ of sawdust per 1,000 lbs. of carcass to maintain a carbon to nitrogen ratio of 20-30 to 1. Chicken litter may be added as needed to reach the optimum C:N ratio.

The proper moisture content shall be maintained at 50-60% by: using damp but not wet sawdust, adding water as needed, allowing green (wet) sawdust to dry before using in compost mix.

The temperature of the compost shall be monitored and shall reach a minimum of 135°F. Compost that does not reach that temperature shall be dismantled, corrected and rebuilt in order to reach this optimal temperature. When the temperature of the compost falls below 105°F, the compost shall be turned to a secondary bin.

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4. Large carcasses should have one foot of sawdust between carcasses within the same layer.
5. A minimum of 6 inches of sawdust should be maintained between all sides of the composting bins.

Exhibit 5

[illegible]

Silver Creek Poultry Farm Site Suitability Report

July 19, 2023

This Site Suitability Report discusses items considered by recognized professionals, listed at the end of this report, regarding the appeal to reconsider the Michigan Department of Agriculture and Rural Development (MDARD) siting verification determination for the Silver Creek Poultry located in Section 10 of Silver Creek Township, Cass County, Michigan.

The professionals reviewed the following information provided by MDARD staff prior to development of the recommendation:

1. Correspondence and supporting documentation from those who submitted comments to the Michigan Commission of Agriculture Rural Development.
2. Supporting documentation from the facility's application to MDARD for siting verification.
3. Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection and Odor Control GAAMPs) dated January 2023

The review request contained several concerns (summarized herein) which were discussed by the professionals:

Concern: Silver Creek's proposed site is not a Category 2.

Conclusion: The proposed livestock facility of 45,000 laying hens (450 animal units) is located within a ¼ mile radius of seven residential homes, as determined by site review using Google Earth Pro (a standard practice for site suitability determination by MDARD). A new Livestock Production Facility with a capacity of 450 Animal Units falls under Table 4 of the Selection and Odor Control GAAMPs and would be considered a Category 2 facility. The property line setbacks outlined in Table 4 are either met or signed variances were obtained.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Category 2 Notice was deficient.

Conclusion: Notification letters were sent to all neighboring property owners with ¼ mile from the livestock facility who were required to receive notification except for one resident. Applicant states this individual was notified verbally in person, which the property owner denies having taken place. The person verbally notified is part of this appeal.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: The method for estimating setback measurements is not supported by competent evidence.

Conclusion: All measurements and setback distances are determined by site review using Google Earth Pro (a standard practice for site suitability determination by MDARD) and reaffirmed utilizing ArcGIS. All setbacks as described in the Site Selection GAAMPs

for wetlands, floodplains and drinking water sources are met; and minimum property line setbacks are met.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: High public use areas not identified.

Conclusion: The Site Selection and Odor Control GAAMPs require a livestock production facility to be at least 1500 feet from a high public use area. Using Google Earth, a daycare was identified 1539 feet northwest of the facility, measured from the corner of the closest proposed livestock building to the property line of the daycare (Measuring building to building is standard practice for determining setback distances by MDARD).

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Drinking water sources and wells not identified.

Conclusion: The proposal identifies all known water wells and wellhead protection areas, demonstrating conformance to required setbacks with no required deviations needed from the local health department or the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Specifically, the proposed livestock production facility is not located within any known wellhead protection areas, it exceeded the 75-foot setback from private water supplies, 800-foot setback from Type IIb or Type III water supplies, and 2,000-foot setback from Type I or Type II water supplies (water supplies are defined by EGLE Drinking Water and Environmental Health Division's policy and procedure).

Land application of manure in relation to a wellhead protection area is not within the purview of the Siting GAAMPs to directly consider in the decision of whether to issue site suitability.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Wetlands and floodplains.

Conclusion: The proposed livestock production facility does not lie within a wetland as determined by site review using EGLE Wetlands Map Viewer (A standard practice for site suitability determination by MDARD). The United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey indicated there were no wetlands in this area. Additionally, the application provided Federal Emergency Management Agency (FEMA) flood maps indicating the proposed site is outside of any designated floodplain. The soil borings provided by the applicant, conducted by a licensed professional, further validated the onsite soil conditions are not described as hydric or wetland soils, as required for wetland designation.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Silver Creek's proposal ignores construction and operational stormwater controls, wastewater and wash water management, manure and mortality storage concerns, runoff and erosion and leaching controls, and manure application concerns.

Conclusion: The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a reinforced concrete floor.

The facility provided adequate plans describing the components necessary to follow the Manure Management and Utilization Generally Accepted Agricultural and Management Practices (GAAMPs) for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

According to the FEMA flood maps, the barns are not located within a 100-year flood plain and the nearest surface water is approximately 600 feet to the south and southwest.

Permits, such as soil erosion sediment control, well, and septic, are required by other state agencies and are not within the purview of the Site Selection and Odor Control GAAMPs to directly consider in the decision to issue site suitability.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Abandoned gravel site is not an appropriate site for an egg layer operation.

Conclusion: A professional soils scientist, hired by Silver Creek Poultry, reviewed soil conditions at the proposed site and determined there are no indications of unstable or high-water soils. Additionally, during construction of the site, a compactor roller will be used to properly compact the site soils prior to construction of the buildings. This is standard construction practice for compaction of site soils.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Migrant labor housing needs to be measured for appropriate setback distances from a livestock operation. White Pines Mobile Home Park was not analyzed for this issue.

Conclusion: White Pines Mobile Home Park is approximately 4500 feet from the proposed livestock production facility. The Site Selection and Odor Control GAAMPs require no Livestock Production Facilities are built within 500 feet. There are no other migrant labor housing facilities existing within 500 feet of the proposed livestock production facility.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Lack of information and use of incorrect information on odor control and management.

1. MI offset tool cannot be used for egg layer operations because it contains no “egg layer” option;
2. Open air manure and mortality compost structure not accounted for, and “crusted manure” option is not supported;
3. Starting point for distance measurements is not correct and is not verified; and,
4. Gross underestimation of mortalities means sources of odor have not been identified and cannot be measured.

Conclusion: The only tool available and prescribed for use in the Site Selection and Odor Control GAAMPs is the Michigan Odor from Feedlot Setback Estimation Tool (MI OFFSET) 2018. The odor emission factor utilized was reviewed and found to be consistent with similar poultry operations in the state using the MI OFFSET 2018 model to determine the facilities impacted area by odor (A standard practice for site suitability determination by MDARD). Mortality management is not a consideration in the MI OFFSET 2018 model.

The standard procedure was used for placement of the offset footprint. The MI OFFSET 2018 model results for the proposed facility were reviewed, and it was concluded it was applied correctly.

Because there were no non-farm residences identified within the footprint of the MI OFFSET odor estimation tool, no additional technologies are required by the Site Selection and Odor Control GAAMPs.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Silver Creek and MDARD ignored MI OFFSET information for layers and significantly underestimated odors.

Conclusion: The odor emission factor utilized is consistent with similarly managed poultry broiler-layer operations in the state using the MI OFFSET 2018 to determine the facilities impacted area by odor (A standard practice for site suitability determination by MDARD). The proposed operation is described to be managed on sawdust; the odor generated is consistent with the broiler designation utilized.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Weather data in the MI OFFSET is incomplete.

Conclusion: The MI OFFSET 2018 was used as intended. MI OFFSET 2018 was developed by Michigan State University and approved for use under the Site Selection and Odor Control GAAMPs by the Michigan Commission of Agriculture and Rural Development under the recommendation of the Site Selection and Odor Control GAAMPs Advisory Committee.

The professionals agree the information submitted met the criteria set forth in the Siting GAMMPs.

Concern: Silver Creek's Odor Management Plan is inadequate.

Conclusion: The odor management plan outlined in the site verification request meets the criteria of the Site Selection and Odor Control GAAMPs.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: The manure management storage and system plans are incomplete and inaccurate.

Conclusion: The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility has exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Silver Creek grossly underestimated mortality management needs and its plan fails to meet the GAAMPs.

Conclusion: The Site Selection GAAMPs requires the applicant to identify the processes and procedures used to safely dispose of the bodies of dead animals (Bodies of Dead Animals Act, PA 239 of 1994, as amended). Silver Creek Poultry met this requirement by stating they plan to compost the dead animals. The Mortality Management Plan also references a rendering company when excess mortalities occur.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Proposals for land application of manure are inappropriate.

Conclusion: The facility demonstrated adequate plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground water and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection and Odor Control

GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Air Pollution – Odors.

Conclusion: The Site Selection and Odor Control GAAMPs require the use of an Odor Management Plan, including the application and evaluation of the Michigan Odor from Feedlot Setback Estimation Tool (OFFSET). The Michigan OFFSET is a means of estimating odor source magnitudes and potential impacts from livestock production facilities. The intent of the tool is to have zero non-farm residences within the 5% odor footprint to maintain a 95% annoyance-free level from odor. This does not mean the facility will be odor free.

The professionals reviewed the Odor Management Plan and concluded there were zero non-farm residences in the 5% odor footprint for the facility.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: The facility will impact recreation by degrading water quality and having odors.

Conclusion: The Site Selection and Odor Control GAAMPs require a facility to be at least 1500 feet from the livestock facility to a high public use area. According to the measurements no high public use areas are within this distance. Additionally, no high public use areas fall within the 5% odor footprint of the livestock facility.

The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Nitrate contamination in the groundwater

Conclusion: The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of surface and ground waters.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

Concern: Health concerns from air pollution, including ammonia; MDARD failed to apply the GAAMPs regarding road and transportation issues; food system concerns; zoonotic diseases; decrease in property values; the amount of noise generated; impact on tourism; impact on wildlife.

Conclusion: These items are not within the purview of the Site Selection and Odor Control GAAMPs to directly consider in the decision of whether to issue site suitability.

Final Conclusion:

The final conclusion of the recognized professionals is to affirm the siting proposal. It is our opinion all criteria in the Site Selection and Odor Control GAAMPs were appropriately addressed in the determination of site suitability.

Professional Review Committee Members:

Suzanne Reamer

United States Dept of Agriculture
Michigan Natural Resources Conservation
Service

Gerald May

Chair of Site Selection and Odor Control
GAAMP
Retired MSU Extension

Ryan Coffey Hoag

MSU Extension
Land Use Planning

Bruce Washburn

Michigan Department of Environment, Great
Lakes, and Energy
Water Resources Division

From: Donna Kluth
To: [MDA-Ag-Commission](#)
Subject: AGAINST Silver Creek Poultry
Date: Saturday, August 12, 2023 8:49:10 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Donna Kluth and I reside at
Magician Lake, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
5. Odor control: The strong odors associated with such operations can significantly reduce the quality of life for local residents, thereby directly affecting the social acceptability of the operation as well as public health. MDARD's own odor model does not even account for egg layers, and MDARD allowed Silver Creek to grossly underestimate odor emissions. MDARD must withdraw its approval and deny the application on this issue alone.
6. Manure management and system plans: Silver Creek's management of animal waste is a major concern, but Silver Creek only provided general information. We are very worried about the efficacy of the proposed manure management plan and its potential impacts on local water

quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.

7. Land application: The application of waste on land can exacerbate water and air pollution problems, including the potential for runoff into surface water and groundwater contamination. Simply relying on “other” egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.

8. Mortality management: We are greatly concerned about how the operation underestimated its mortalities, and its lack of planning to manage and dispose of dead birds, and to control odors. This issue has significant potential environmental and health implications.

9. Road and transportation issues: The increase in traffic, road wear and tear, and related safety concerns need thorough consideration, yet the siting application and MDARD did not evaluate this issue and its impacts on our community.

10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek’s siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
Donna Kluth
djkluth@aol.com

Magician Lake, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtgUwIXWafSHdfUSwkkuz6fGGNEyCMgPTRIAc5K8dT-2B2COu2s71Pn2gRnBrNf3ulNGFclw6oxM32e7-2BsCjcrzxLMYoERCxczzyHxrA9XcJbMC4tRTXWO9ky81wqGx5RYptykuo47dNmh-2FKFhkFXCTJSgstl6U7xzEr9K0ZIRtmm6yUzo2CKUrAumvr9LOVPFsERfwqv2np9KbOiCd5jk-2BDWAz7pl3o9L76ijQqc-2B7hWAwwTtWVDU-2Bh5M8aUtX83jmgQJxgwIHxh61gNHfdey1-2FsAR7yEZAo1Yrge8JQ3WLK11vm3CX8rWyGJBOMR59Bk89Y5YtE1XDPCYs3ta80BEc9NPZKE6u1FG80oK56u>>

From: Patrick Gately
To: [MDA-Ag-Commission](#)
Subject: Community First
Date: Saturday, August 12, 2023 8:48:10 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Patrick Gately and I reside at
31695 County Line Road
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.

2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.

3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.

4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.

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6. Manure management and system plans: Silver Creek's management of animal waste is a major concern, but Silver Creek only provided general information. We are very worried about the efficacy of the proposed manure management plan and its potential impacts on local water

quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.

7. Land application: The application of waste on land can exacerbate water and air pollution problems, including the potential for runoff into surface water and groundwater

contamination. Simply relying on “other” egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.

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9. Road and transportation issues: The increase in traffic, road wear and tear, and related safety concerns need thorough consideration, yet the siting application and MDARD did not evaluate this issue and its impacts on our community.

10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek’s siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
Patrick Gately
pgately154@gmail.com

31695 County Line Road
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDIQTQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuZ6fGGNEyCMgPTRlAc5K8Y0rD02-2BPlpfqLxLBQgHIRNK7P-2FaeB1anaYu6-2FvyUcpEFjUNPg3Un3K4Gp1H2hyvk2hCaNYPvDFwfw2wks4-2B9IfdupJScAoqnFwslWWnUN7GDTJVgCQUaBzKrWbXxkEkITjiUB9AgBqR7HcggOxpEgz5hZP5Cs0xWOuUJ8TYtlf8zkhdlkX-2B1tqK6YUXAPMq6vexN97grj0TUSfUywP1Zz6sGIK-2BK7IgF8QEU4T1wsdwQEqEhI5TxglOo-2FCr6q6aTKAXIRE3PkmK5GES3Lz8tvzM22okIJIQD9-2FqnarLzQu7GMXJvjW9-2FXU8u-2BwtZI-2FI5>>

From: Judy Corak
To: [MDA-Ag-Commission](#)
Subject: Community First
Date: Saturday, August 12, 2023 8:49:09 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Judy Corak and I reside in nearby Berrien County, Michigan. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision. I resided in Cass County, Michigan most of my life and support humane farming operations. There is no humane factory farming operation, in my opinion, and I certainly oppose any and all factory farms in the state of Michigan. It is not a humane farming operation to confine animals in that manner, risking the health of the animals and the health of consumers. These farms are environmentally flawed.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
5. Odor control: The strong odors associated with such operations can significantly reduce the quality of life for local residents, thereby directly affecting the social acceptability of the operation as well as public health. MDARD's own odor model does not even account for egg layers, and MDARD allowed Silver Creek to grossly underestimate odor emissions. MDARD must withdraw its approval and deny the application on this issue alone.
6. Manure management and system plans: Silver Creek's management of animal waste is a major concern, but Silver Creek only provided general information. We are very worried about the efficacy of the proposed manure management plan and its potential impacts on local water

quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.

7. Land application: The application of waste on land can exacerbate water and air pollution problems, including the potential for runoff into surface water and groundwater contamination. Simply relying on "other" egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.

8. Mortality management: We are greatly concerned about how the operation underestimated its mortalities, and its lack of planning to manage and dispose of dead birds, and to control odors. This issue has significant potential environmental and health implications.

9. Road and transportation issues: The increase in traffic, road wear and tear, and related safety concerns need thorough consideration, yet the siting application and MDARD did not evaluate this issue and its impacts on our community.

10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

To sum up, I am not a resident of Sister Lakes, but am a resident of the state of Michigan. I oppose factory farms anywhere in the state of Michigan.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Judy Corak
judycorak@gmail.com

4977 Hochberger Road
Eau Claire, MI 49111
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuZ6fGGNEyCMgPTRIAc5K88uipF-2BJE6jl7MyWqgzVIAlnw11Vh42N2al9Zlg-2BfliymNS-2FCfneBMleK-2BPel-2FLShDNqpxBy41GJGe83w5N8-2FC8famk1ejvrF6JIXEAXV7MfOxoeBLcA1c-2B4efVwfQIZAZXNoxMn-2FW5LDzafxa3CZXSCDc0D-2Ff-2BaiE9zpJK3-2FcTHzTVaZ8AvJfXRDu9c275caxJcA9Bz9mkx97SGq1Knk5oZzK34n5loUdYmDm8VWbWskbb3MFjLNpc1gYwDI2H-2Bxsl6gPdn2-2B-2BzH6-2Fi0-2FTt0ESVyP3n459v-2Bdo769aVFCPLhpEzPA0AS6dMEMnSLAO4P>>

From: Megan Dudley
To: [MDA-Ag-Commission](#)
Subject: Deny the siting application
Date: Saturday, August 12, 2023 9:22:08 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Megan Dudley and I reside at
56314 M 51 South
Dowagia, MI 49047
United States

. My family also has a cottage on Polk Road on Magician Lake, ejust over a mile from the site location. I am sbmitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site do not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
5. Odor control: The strong odors associated with such operations can significantly reduce the quality of life for local residents, thereby directly affecting the social acceptability of the operation as well as public health. MDARD's own odor model does not even account for egg layers, and MDARD allowed Silver Creek to grossly underestimate odor emissions. MDARD must withdraw its approval and deny the application on this issue alone.
6. Manure management and system plans: Silver Creek's management of animal waste is a major concern, but Silver Creek only provided general information. We are very worried about the efficacy of the proposed manure management plan and its potential impacts on local water quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.
7. Land application: The application of waste on land can exacerbate water and air pollution problems, including the potential for runoff into surface water and groundwater contamination. Simply relying on "other" egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.
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10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give Equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Megan Dudley
megandudley@comcast.net

56314 M 51 South
Dowagia, MI 49047
United States

<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVKju5UXaU2qQtNB0VUyUtgulXWafSHdflUSwkkuZ6fGGNEyCMgPTRlAc5K86VqtLMVGEmWljvWWR3ElgTbAv58903shMgLfchzYo76riYYF-2BSdKg2v5cw-2F1FQr5IDlftQNraYffxSkpc5RJ8fVGKiiQZDQfQWX2Yd5LdHlvcPED65G9SQGM5QD35mQBBgQFhm4vVXgNileMRFF5Zss2LoQgZy-2Fz9TxTkW6hxDS0H1i0jrL-2B9g3lNdN0QkLnX6oOZU-2F01Q99i3U0z3NatYaQh7BpVj-2FBPwgKBri9KO3ouTDsXvRuQn3JUSl jpsnDgjSZTNoYGeuOCtwl9zd95D1gThhCRkXtmkLWJ-2BQT-2FeQuSX3BWEIfS8oqOeVpjis-2FR>

From: Carol Halstead
To: [MDA-Ag-Commission](#)
Subject: Factory Farming is NOT Farming
Date: Saturday, August 12, 2023 8:53:10 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Carol Halstead and I reside at
2540 Cedar Lane Ct.
Hartland, MI 48353
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Carol Halstead
clhalstead@comcast.net

2540 Cedar Lane Ct.
Hartland, MI 48353
United States

<

From: David Kickert
To: [MDA-Ag-Commission](#)
Subject: Family Farms NOT Factory Farms
Date: Saturday, August 12, 2023 8:49:13 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is David Kickert and I reside at
50154 East Lake Shore Drive
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.

7. Land application: The application of waste on land can exacerbate water and air pollution

problems, including the potential for runoff into surface water and groundwater contamination. Simply relying on “other” egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.

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10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek’s siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
David Kickert
dkickert@aol.com

50154 East Lake Shore Drive
Dowagiac, MI 49047
United States

<<http://url17405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuZ6fGGNEyCMgPTRlAc5K8dGJjb8uO3e-2FkJNg7EsubZgPflEh-2BdD8SmgLD1Mes8doN87blGSBG66KAAZ0SizUjdzUSLDm1afWwcta-2FgNty1vf-2FfIlM6xkgz3htliukra1CzumMxbe63yA0kNH6gBedML33E-2BLiH3T0Rt9vA5mBI69Z1kAauh2Pz1kSGGY-2FC2f4NDKis4Ye4-2FuokraBhGXL5-2FTbRut9DPv5xvdhJMhyWbdfFEvmoBIXczIDcUTQCH4Ox-2FR5-2F4ZZ22U4v8AxliViRaI-2FfZjuCZKH9aLMXIYc9Ni3dJyZ4KMvC9uGlk9l1Wx3anIDfplisgD-2BDBsaM>>

From: Franklin Shuftan
To: [MDA-Ag-Commission](#)
Subject: Family Farms NOT Factory Farms
Date: Saturday, August 12, 2023 8:48:06 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

Thank you for the diligence you demonstrated in the last public hearing regarding opposition to the proposed commercial Silver Creek Township chicken farm. From an observer's perspective, it was the first time any unit of government has shown any concern over the potential devastation this ill-conceived and secretive proposal can wreak on a beautiful but environmental fragile area of Michigan.

I understand you have moved up your follow-up meeting from the previous September date to next Monday. This is somewhat unfortunate as those of us who oppose the factory farm must now reconnect and restate our positions much earlier than expected.

From the last meeting, it was clear that there are significant concerns over the lack of a verifiable and credible site plan. No matter what the farmer Layman submits, how certain can anyone be that his project will not adversely impact the nearby day care center, the health of nearby residents and the groundwater which feeds into our wells, streams and lakes? What of the noise 4,000 roosters will create every morning at sun-up? How would you like to across the road from such cacophony?

The proposer, Mr. Layman, has shown himself to be a bad actor from the get-go. He NEVER engaged the lake communities. His so-called notification process was paltry or non-existent. At the last hearing, you heard from one neighbor within the impact zone who had never been notified in any form. Why take Layman's word for anything? Finally, it was a bit disconcerting to hear a commission's staffer indicate that notification could be construed as one person's word against another. I found that to be borderline insulting.

We trust that you will approach this hearing with the same open mindedness and gravitas you did the last time. Please protect the neighbors, Sister Lakes and the surrounding communities from the unilateral harm this proposal promises. Vote to deny the application.

Sincerely,
Franklin Shuftan
fshuftan@aol.com

32636 Cable Parkway
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWafSHdfUSwkkuZ6fGGNEyCMgPTRLAc5K8VIX35Qk8iRGm00VfTck-2FGAk5VbQ2zkobLLSszX0wc60e0cEbVxj-2F-2BQCIEOQXKOW-2FmKRBv3JXJZFqSmLPiv5z3RPyPbOJFet0Yt7hbZmuQjGCLiUsFUKk7ri-2BHnkFpD5Y-2BvCf9VGF00I1FO9aXiYpctLjV1Y6O7-2BCzGD-2FhJp6IowceO0Y8T23KimNXsSbA3Ncqy0l1vYa023wdG1fabi3p-2B282TOV0ZwkHHSAPHXAkSZTP10l-2F4knSbhONWnfqTZOuZRYDpGcs9tk9z3WvkTZQxNUxdx-2B3xqMjcC6xgWf9gDoRul-2BB092ZYiEBq-2FrPeGFb>>

From: Barbara Reynolds
To: [MDA-Ag-Commission](#)
Subject: Family Farms NOT Factory Farms
Date: Saturday, August 12, 2023 8:49:14 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Barbara Reynolds and I reside at
50185 West Lakeshore Drive
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
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4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
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7. Land application: The application of waste on land can exacerbate water and air pollution problems, including the potential for runoff into surface water and groundwater contamination. Simply relying on "other" egg layer operations in Michigan for manure production and manure spreading acreage needs is not a site-specific analysis, which MDARD is required to do under the GAAMPs.
8. Mortality management: We are greatly concerned about how the operation underestimated its mortalities, and its lack of planning to manage and dispose of dead birds, and to control odors. This issue has significant potential environmental and health implications.
9. Road and transportation issues: The increase in traffic, road wear and tear, and related safety concerns need thorough consideration, yet the siting application and MDARD did not evaluate this issue and its impacts on our community.
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In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing

this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Barbara Reynolds
desaher@aol.com

50185 West Lakeshore Drive
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtgulXWafSHdfUSwkkuz6fGGNEyCMgPTRIAc5K8WxxNmijlgRbHWXztvzWsrXAxvvqPU3dPTT3sbyyyPml-2BRxROg8sf-2Bz4NHBYB0No1qAEFc0YF2VMDQwEHVE34hbG8Ueo8wRh9-2BeHSZClp7nHZKqK-2F74C3o-2B-2FEfVP1ce6hPaaX3La-2Bifh6P5mZdl-2FqSzljZ028dHhS22-2BpAhx56XenbAFmITmnp6Pi9TvpstU3-2FUNfAwM39mgJa-2Fw5pwpniQrpdGWLKso7t41yA-2FDVNEoydtlxiv5-2B1-2F8RpTmZr3rZ-2FvuZOqZpdZwydz-2F1-2F8C-2FtuuoX6wJI7otx5ZtM-2FTqoLFcwLaUHdrNnV8aPH6HGwQ>>

From: Catherine Zulfer
To: [MDA-Ag-Commission](#)
Subject: NO to Factory Farms in Sister Lakes
Date: Saturday, August 12, 2023 8:53:08 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Catherine Zulfer and I reside at
51044 Garrett Road
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
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In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Catherine Zulfer
cathyzulfer@gmail.com

51044 Garrett Road
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtgUIXWafSfdfUSwkkuZ6fGGNEyCMgPTRIAc5K8IAwW7h-2Fn3qEJpGRtrEzY2Kd-2F3fXoEzDNqDsn4mlpEeP0YIYn3wusQoEOqPnQfBAquT1ifLQxz-2B1Ad0E0mnEkCmJok4ItrBwZDK93vNMhn5rPvtIkLU2P6KwYVgTfleQvjBrlHrzy29tesAABIRF5s3dMT4lcbO9EzLqRLfIVfKGplj-2BPCCdTF6ixzX8iGZuZLhOF3bn31tyCkRDBPrxxqeLgiv8hW4HGoipgDg4EF97D-2F9b06yJJ5zIBwVFP9MmxlPDHeg1JWV5mulwQjo0C7pSX-2BmFAMpdvEjlMwc7S-2BKQS7IKKr1yjH9fOrg4y4a>>

From: Linda Roberto
To: [MDA-Ag-Commission](#)
Subject: NO to Silver Creek Poultry
Date: Saturday, August 12, 2023 9:21:09 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Linda Roberto and I reside at
67402 95th Avenue
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
Linda Roberto
kuypersroberto@hotmail.com

67402 95th Avenue
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuz6fGGNEyCMgPTRlAc5K8SxTjprk-2FKnXJ2spy7dvn3jjxjJl-2FD0TKzbV1MG6Tf2HcyzcNh6XytOvRyE2q5ljm1ncHSn4tuC11dEAmMXbAT3AIBQIC-2BtUXjRB-2BWuEe1ibNR3VR3FBFW-2FUPGk8fOtiFVfak11SteS2NRR48x4G1MQQKq53M-2BkMEbKf6za1CPFhszHyiMBhDraE1Kf-2FLqIQCGsH-2FTBuGuBYGWN65cfBMVtw8Y6j2rA9a9HKdNARJ6trb3FC3669377ZMhr4ZMwvd1wn1RKE-2BpreXgkZwcnMf2-2B4oj5ywehombJwZxoiA6Z3q5WnDt-2BlbYR5TEIV4gw8>>

From: Amanda Rosales
To: [MDA-Ag-Commission](#)
Subject: NO to Silver Creek Poultry
Date: Saturday, August 12, 2023 8:49:12 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Amanda Rosales and I reside at
4905 River Ridge Dr
Lansing, MI 48917
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Amanda Rosales
flinttownklown@gmail.com

4905 River Ridge Dr
Lansing, MI 48917
United States

<<http://url17405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWafSHdfUSwkkuz6fGGNEyCMgpPTRlAc5K8-2BR0MA9PkjdL5BXx-2BjeTyinc50tKKaejYwetmhLFgMG6EGaWBM-2BL2LcdAuo-2Bk9DLBTZadc0iz87eIA3zckdRg44YZCqTJbTlj-2BOTJ9MU14eE6cLtvUwG9ZCpiarlrOaCXmSWX5viDUhRuwWhnaUdDcRtNJ4qI2QxsldrXdlJKQ4Bz7H5N2LEUwR7UxA7Muqa-2BgiaHCvylifV54-2FjeZ40p0xFFBux8wr9fEPuAG8GA7XknA2WUkaMOo8zzUISnBOM87o9FcBoZZRDmCYbVC4-2BBLSWCQZtdB56m7nowMsyfx8BCLg0X3J3Vo5B4OBwkeLKy>>

From: Lauren Panici
To: [MDA-Ag-Commission](#)
Subject: NO to Silver Creek Poultry
Date: Saturday, August 12, 2023 8:48:14 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Lauren Panici and I reside at
1217 walnut st
Western springs, IL 60558
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
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10. General information on egg layer operations and the history of egg layer operation violations in Michigan: Past records of egg layer operations in Michigan show a disturbing trend of environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek’s siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
Lauren Panici
laurenapanici@gmail.com

1217 walnut st
Western springs, IL 60558
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuz6fGGNEyCMgPTRlAc5K8-2BACNeb62QbCDqKqfRfGsJgFlg33KI4vFMmpU6RpliNdn0028cmInkce792v2lMg6-2FQVRizGfXCheC6kQDGrQVBYbJsyivhmJjTqGjDNvCqEYtSIGJg2MLLhCg0GoBJV9MK6mPLgSvsJV513Jp-2B0FA5dwZkiDk-2B-2Fr4q7yXm-2B6J0V4oupbdx6GqwkIxSoqMmQ4ue0y9TXce1ePffdwPrQZ7vOuU000bP7-2BhuZdi4xQGAr9UuQZe00tEXKTuEnmCMZj2qLBNKBgGr7bcv3AVIyp-2Fs29iTf-2BzHDxXpHYQFzRXl4DCOWkSJs4uWvGnfl6j6gQ>>

From: Julie Lambert
To: [MDA-Ag-Commission](#)
Subject: NO to Silver Creek Poultry
Date: Saturday, August 12, 2023 9:21:13 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Julie and I reside at Sister Lakes. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
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In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Julie Lambert
jlambert1717@gmail.com

1074 Spinnaker Street
Elgin, IL 60123
United States

<<http://url17405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtgUIXWaFsHdfUSwkkuz6fGGNEyCMgPTRlAc5K8WpmebHiDzAJMtqtiKki47-2FY3-2BYFsJTJ-2FbTN9C3JJ02RXK027OvKqOk6rvlUtUYaPo-2BJEamUarSedQtL-2FjGhHBG4YkVBP2I6qzmRMtH0GFkJhhk6rZknNYepoTk5ETR10z-2BNTeEhY21t1vB7jYjicywZXA1DnJAeclNpo7YPE6e3YwqDhhDM4Ea7FmDQ3H0zl3-2F5VuJCpry2Eds70vUDfWcAXGQdurB7Qnq-2FsTuXZ31JyU8m68RUC5rP65D-2FvtJPNUQuJpN-2BYIGP2Bhws5M-2F-2FvxcmFBKK4rCGxZvfebFnDdNB-2FLxbYDF9cXQwDZjdgM0>>

From: Rebecca Bachman
To: [MDA-Ag-Commission](#)
Subject: No factory farms in our town
Date: Saturday, August 12, 2023 8:48:08 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Rebecca Bachman and I reside at
31028 Curran Beach Road
Dowagiac, MI 49047-8726
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Rebecca Bachman
rbachman85@gmail.com

31028 Curran Beach Road
Dowagiac, MI 49047-8726
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuz6fGGNEyCMgPTRlAc5K8sS3qQxVSSBp3-2FKG9Q5lZoSxzdKtY3zfb6UmX7iJyBVnJHeuMHt2s5CtyqteibkPqJbFl-2FVvlhS4f8C2-2BO11-2FH1RxFGD71YKmb7a-2FyPS1beopVcO3jG4te2oohDej-2B7zqxQTLHLfMjCIS6LvWhUO-2BByBg2CCtByBnoqceIgE1eZd0rCjEYUZW-2BUZrICDFS7Y8EBDrDXgEwVEpHLEV1mOdFaGaULN7H6wiM9UspUuj06Ah8nO2jFnCu5KZssKSGrGlWKoV0YucnTlvHhf0M-2BgY1HZnMI3iELfKgh1-2B8I3AWpvF2MB5KWJILbq0AsJYo7kP>>

From: William Bachman
To: [MDA-Ag-Commission](#)
Subject: No factory farms in our town
Date: Saturday, August 12, 2023 8:48:08 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is William Bachman and I reside at
31024 Curran Beach Road
Dowagiac, MI 49047-8726
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
William Bachman
WRBachman35@gmail.com

31024 Curran Beach Road
Dowagiac, MI 49047-8726
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVKju5UXaU2qQtNB0VUyUtguIXWafSHdfUSwkkuz6fGGNEyCMgPTRlAc5K8ENqyiB6Bt8SHmq2CS894We-2BbGzbnPke53-2Bmf8IZ-2BcriczSMzPD4jz10hrdfHJLG3GO2Q2H4n0O-2Fp83HBqbsDlcuKZg15HtPe5ltLF1dQDwYNeLT6zteE7x32rvLUJEeVeLJkXKjXlK1QEdb13vghoS8-2BGq6IJTq-2BU8drq7zgggu2XJUqS6AYSfpjWiSuO-2FitKqJpCb9e6ZikDepaV5rMUhvXxLK0Er2N136BVWgZkueBHb1stAxXtEGZnL2J5ljGjHIUS8ahaX28WhvOzxrVfSKktUudeX5DRS7I6QQbfiw4-3D>>

From: Liane Pizzo
To: [MDA-Ag-Commission](#)
Subject: No factory farms in our town
Date: Saturday, August 12, 2023 9:00:12 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Liane Pizzo and I reside at
31934 Terry Drive
Dowagiac, MI 49047
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Liane Pizzo
pizzos4@comcast.net

31934 Terry Drive
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWafSHdfUSwkkuZ6fGGNEyCMgPTRIAc5K8PHQbylxQ-2FQEMizmsD3nKEG8KnrI0-2BChpHcj-2F6AKDYkrnS-2BeBezZwpXnGVEduXYHYczD8j-2Ff4twoN23NglwcRXBNTT6ehVclJf9nrS3iL5m4OceDkDJxbIyB8sRls6WyauQd9VzBHJpRQ318BCF-2BS5IEygU2qMtoRxh7p9MK79Zr-2Fy3UC8J3I9YV94X7yWYGCnTscmABLfhRyve-2Bi86qiAfAqWdhrX-2BqbP-2B-2FK9mRwY-2BPg3vWpxvQGE7EjCZ68hzf-2F6QkISUddvIQDJh1-2B7PdSjzfJthp8A9aDWYNa3U-2F-2BfsTHV6JOF0vZN-2FdEIj5IIm0>>

From: Tom Sanidas
To: [MDA-Ag-Commission](#)
Subject: Protect Sister Lakes
Date: Saturday, August 12, 2023 9:23:07 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Tom Sanidas, and although I currently reside in Florida, I have spent over thirty years on Magician Lake as a guest and homeowner. My wife and I are looking to return to Magician; however, the current issue has us very concerned about any relocation. Consequently, I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

As an avid fisherman on Magician, I was always amazed (and later proud) of the crystal clear water that was greatly benefited by the sewer plan that all homeowners agreed to finance. The lake has been the home to bass, bluegill, crappie, pike and hosts local and regional tournaments annually. Any change to the water quality will impact that recreation drastically. I will also mention wildlife that also depend on the fish for sustenance as well. I have been blessed to photograph the banded Magician Bald Eagles several times.

Finally, as a concerned citizen who wishes to return to the lake, I am writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Tom Sanidas
tom.sanidas@gmail.com

511 Latitude Lane
Osprey, FL 34229
United States

<<http://url7405.allsend.communisysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDIQDVKju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuZ6fGGNEyCMgPTRIAc5K8WldUKspuVMKaT4qjVilBuFlxAwdAIE-2BMsTpE3QDzMPtMMhJbcTyOq7zw-2B-2FxqJwB8T-2BHrCFc8mEgkzSwl4JUNs2CD7tA7jAxa26BbrXWUY4wgxHgl86DdvWvTZV18hBtkwYgQAiQHBl6Uwfp4dO11gp-2FZy06Wm3rF22z5PZVqO0VZJtNdYuhTqlwm406CfclzYdeogwNoANdFcObPoxL9kkejP6luTvObBwENV01FQrQx-2F9-2FvAeGGiZrA9vszdxRLuynXJVMjTyNrr-2FIGG9A8UhFg9v2WVv4Jqk74J2u9kbjHWxkML-2FPSF2z2320c0X71>>

From: Eric Havel
To: [MDA-Ag-Commission](#)
Subject: Protect our Community
Date: Saturday, August 12, 2023 9:00:12 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Eric Havel and I reside on Magician Lake. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.
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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Eric Havel
ehavel20@gmail.com

14928 Beacon Boulevard
Carmel, IN 46032

United States

<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNuJFHXEFAQ37ZirHfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVKju5UXaU2qQtNB0VUyUtgulXWafSHdftUSwkkuz6fGGNEyCMgPTRIAc5K8EZXBCKe7t8Cvn7yMYKaW766Ghk8OBsu-2Fuln-2BoXfHfm0J0yu2YRwkLInC0LNY4Ph4rN14F4rCYNFOKSSTY5yw54mTfA0077dydQHDSnuRB0MV24ZOclbpCO6k52DFg2fOFrAUWii18G0f2qv3iAaRBUVeyRYC4T5sg3fBKBb0yITglUM-2F2C2PuRDIX9rmv2ALQ46OBtpecUlzq0cnld6naYb-2FjfhLrbPPMSOqapSUnECrrQqXXWoeXHFHye9xQdRm90XbYX9rNkChBR0tBLqD5MVEd5kC-2BpN5dl9GTvIrdxMXYxnoJilIH5O5XsEqLvrG>

From: Jody Prak
To: [MDA-Ag-Commission](#)
Subject: Protect the Environment DENY Silver Creek Poultry
Date: Saturday, August 12, 2023 9:21:12 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Jody Prak J and I reside at 52381 Red Mill Road Dowagiac. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Jody Prak
jodyprak2001@gmail.com

52381 Red Mill Road
Dowagiac, MI 49047
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtgulXWafSHdfUSwkkuz6fGGNEyCMgPTRlAc5K8u62rvGyIeuSQeH-2B14e9rVjrYp2nNUxiR4r1CXxcHPgMb1W-2BP4d2oQF-2B27XdelOVB-2Bd6bN63mjXmQlfXL7Od59F4vnf4PSEB5uGNotGgsTcEKtDHVSkns-2FM8k5ySx-2BbxD-2BR6Hr120d2ul6hIfwE9eenYLcYMspFxF-2F1DoX3ZZzGyOPOkdKuHXtsr2i71fajbc4-2FqsxBc87uoJeolFxFkfzixyKdzJ1H88jcQfpsVte4SNRgg-2FsES-2BZKU-2F-2FJtDjOlGwj7xfHA8Q8eL7CjPklh7Vslng-2FmiLguHODul1qoIKWiltPqEKTiX1IuMEYJ6kX>>

From: Randy Nevill
To: [MDA-Ag-Commission](#)
Subject: STOP the Silver Creek Factory farm
Date: Saturday, August 12, 2023 8:48:12 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Randy Nevill and I reside at
29765 M152
DOWAGIAC, MI 49047
United States
. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.
2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Randy Nevill
nevillscustomcarpentry@gmail.com

29765 M152
DOWAGIAC, MI 49047
United States

<<http://url7405.allsend.comunitysender.com/wf/open?upn=czuLNuFHXFQ37ZirfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8006XNQDj43aHDITQDVkju5UXaU2qQtnB0VUyUtgulXWafSHdtUSwkkuz6fGGNEyCMgPTRIAc5K88V18fm2KGUwDgQjmnZKc0sXERUKsXUHH9j3wpH0Bz8QueukGYedczfn0JaITrvq76Wyx03wLJy6aycyRjRsQbddumUJPF-2B0bAymRjc3Nv-2FLY A-2FdqCoilo2iF47xFFEcdwvDwvQViC3Ufl68ZZxKPnMGwl-2F5esh1nQpw2rVQ14dAEf-2FHKEVSExKNsTgNLU9uTMjlstqgwZMDEssqALhYYawSvh2qLp-2Bal-2BtmRNqmd1nyFdH5ZJ3EwNwrCapU-2BMk5OvHDesiqNfyDJEXhe2AKCCSJAEne6s4xKfjx7WpoztaKMsYr85FY6sO3vS-2FfvFH>>

From: Brece Clark
To: [MDA-Ag-Commission](#)
Subject: Save our Community
Date: Saturday, August 12, 2023 9:21:09 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Brece Clark and I reside at
412 Seminole Dr
Tecumseh, MI 49286
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,

Brece Clark
brece.clark23@gmail.com

412 Seminole Dr
Tecumseh, MI 49286
United States

<http://url7405.allsend.communisender.com/wf/open?upn=czuLNtJFHXEFAQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDI43aHDITQDVkju5UXaU2qQtNB0VUyUtgulXWafSHdFUSwkkuz6FGGNEyCMgPTRIAc5K8MhZZZglqw8NCxc7BjTA2GWOUMDNVPXVgjDluaCUV8IZFI1GGkP1-2FOUnLiS8p1Bg4IK7oB0Vvdz4qK-2F80Bao-2FH6lXiY8qsjqjWFcwnansZ6-2Fldgm2-2FJ5RdL1isqg-2FdY4lcGUsiG1JybL6cVDF75g3402pDXHJ9G-2B79bJPRrzdYXpHPf8bUMdxQ-2FMLyyXKdBM3-2FViI5Faoyee05RJmLszzqHtjeY-2Bv-2B87Y8b2dmLUA7CqwaJJsczuBe-2BQ5-2FuWMSOYnlQ3dFxDQGc0mEx34LgzXIKbFy6jqJfORJyFVZfq2vFQmwm6Gb9dy-2BvZ9RroDeYd>

From: "Meghan O'Donnell"
To: [MDA-Ag-Commission](#)
Subject: Silver Creek Poultry will RUIN Sister Lakes
Date: Saturday, August 12, 2023 9:00:14 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is and I reside at
2521 w 107th street
Chicago, IL 60655
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Meghan O'Donnell
meghan-odonnell@uiowa.edu

2521 w 107th street
Chicago, IL 60655
United States

<<http://url7405.allsend.communisysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuz6fGGNEyCMgPTRIAc5K8E2AgtQAYTfK2jtaQAG92lDyna-2BgGvnMydkDMGT54lF25YUqsfcVHDJREfWQdz5xO1SMVAM-2BYagU8ev7SdZW5z3Qi6uVABpolIVLAKUTKcZkO63KUvSlq0Pdzy78bHwcpizJyJ4E7bvp-2FdC5lTIqpsBNvNRrlazXrsUw-2FCyUZ9WBtUarLHjpVL9HS0Y-2FSVsbBS64zyUk3dhjwHPCUZsIzUmPTVHwYpM9oyLWRkOsmInPtzoDImjiq9FbUEWHHb9fDgrucV9YV4EZ-2F6WZo6lB6YFA45ALFMQFI5SNU-2BorEB0yOoOlRpxnS0xXye1cafS>>

From: Alysha Albrecht
To: [MDA-Ag-Commission](#)
Subject: Silver Creek Poultry will RUIN Sister Lakes
Date: Saturday, August 12, 2023 9:21:07 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Alysha Albrecht and I reside at
1300 Hull Avenue
Ypsilanti, MI 48198
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

1. Site suitability determination: This site is inappropriate for an egg layer operation. MDARD's own critical factors such as environmental impact, management of production waste, odors, potential health risks, social impacts, and economic impacts to other members of the community were not considered here, or considered incompletely.

2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.

3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.

4. GAAMPs' "additional considerations" not met: MDARD's GAAMPs have additional considerations. MDARD did not adequately address these concerns. These include for example Silver Creek's proposed proximity to residences, proximity to high-use areas like the daycare, the wedding reception business, the outdoor drive-in movie theater, and the church, drinking water sources and other wells that were not even identified by Silver Creek or MDARD, wellhead protection areas and proposed manure spreading areas, wetlands and floodplains, recreation and surface water protection are very important to our community's way of life and economy. Importantly, neither MDARD nor Silver Creek evaluated the particularities of the abandoned gravel mine site and how this facility on that particular site will impact our waters.

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quality and public health. Without more specifics on how this will affect our community, MDARD should not have allowed this Siting Application.

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environmental negligence and regulatory violations. We fear a repeat of such scenarios.

In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek's siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Alysha Albrecht
alyshamae515@gmail.com

1300 Hull Avenue
Ypsilanti, MI 48198
United States

<<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-2BDpdQ8O06XNQDJ43aHDITQDVkju5UXaU2qQtNB0VUyUtguIXWaFsHdfUSwkkuZ6fGGNEyCMgPTRlAc5K8J8gCG5btUIXVd0XL7swA13sQEHB9v8D-2FdyULcKZNfVaKrVASiUpfTFJVw7m2DSb-2BXSMc3zXuHA-2FkWFKIVuHoO6s-2FnQdJn-2Fg1iFqLGE128iH7w-2FWf0EiRtutJtL3A9OcRU56FQE0-2F7hF09KBZb-2Bj5QPSy5Rzuqjo8b52oZFHQHGv0-2FCEDINM9Hi4dZkmtMDXj3u9ve0bce-2BeEoNQJWeOMIMkWTbukfsJWLVKY44bIOikClcTz-2BjgNZS43IN0XQ-2BqOEDsz-2FmbBT6PsByrwa-2B-2FNzWR122jT7UC-2B3biL0nSawcUAQaFXMQ09QaeyQdEmzT2AP>>

From: TINA TOWN
To: [MDA-Ag-Commission](#)
Subject: Sister Lakes deserves better
Date: Saturday, August 12, 2023 8:48:11 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is TINA TOWN and I reside at
3324 Ingham Street
Lansing, MI 48911
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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2. Site is "not acceptable" for livestock production and not a Category 2: The proposed site does not fulfill the requirements for Category 2 livestock production sites under the GAAMPs guidelines, given the high potential for environmental and public health risks. MDARD never should have evaluated this as Category 2, but should have treated it as "not acceptable" for livestock production and denied the siting application.
3. Deficiency of notice: Transparency and public engagement are critical in decisions of this magnitude. I am concerned about the adequacy of public notice - several households and businesses were excluded from Silver Creek's public notice and from MDARD's review, making this entire siting application deficient.
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should not have allowed this Siting Application.

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In light of these concerns, we urge MDARD to withdraw its initial site suitability determination and deny Silver Creek’s siting application. As a concerned citizen, I believe that decisions of this magnitude should not solely focus on the economic benefits to one farm - but must give equal weight to environmental sustainability, public health, and community wellbeing. Allowing this application would do the exact opposite.

Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek’s Siting Application.

Sincerely,
TINA TOWN
TDELAFFE@gmail.com

3324 Ingham Street
Lansing, MI 48911
United States

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From: Cody Williams
To: [MDA-Ag-Commission](#)
Subject: Sister Lakes deserves better
Date: Saturday, August 12, 2023 9:21:08 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is Cody Williams and I reside at
1109 Butterfield Cir W
Shorewood, IL 60404
United States

. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Cody Williams

codywilliams1090@gmail.com

1109 Butterfield Cir W
Shorewood, IL 60404
United States

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From: Liane Pizzo
To: [MDA-Ag-Commission](#)
Subject: Stop the factory farm in Southwest Michigan
Date: Saturday, August 12, 2023 9:21:09 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Commissioners,

My name is [Liane Pizzo] and I reside at [31934 Terry Dr , Dowagiac MI. I am submitting comments in opposition to the Silver Creek Siting Application and MDARD's decision.

I am a concerned citizen, writing to express significant concerns about the proposed site suitability determination for the new industrial egg-laying operation in Cass County, Michigan, Silver Creek. I believe MDARD failed to properly apply the GAAMPs, and MDARD should have denied the siting application. My concerns are as follows:

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Thank you for your time and consideration. We urge MDARD to withdraw its decision and to deny Silver Creek's Siting Application.

Sincerely,
Liane Pizzo
pizzos4@comcast.net

31934 Terry Drive
Dowagiac, MI 49047
United States

<http://url7405.allsend.communitysender.com/wf/open?upn=czuLNtJFHXEfQ37ZirIfQzLvWBmzPKC-2FhGM1Uq6mk7DWvny-
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August 12, 2023

Dr. Tim Boring, MDARD Director
BoringT1@michigan.gov

MDARD Commission
MDA-Ag-Commission@michigan.gov

Re: Public Comments on Silver Creek Poultry LLC

Dear Director Boring and MDARD Commissioners:

On behalf of the 501(c)(3) non profit organization, the Socially Responsible Agriculture Project (SRAP), we hereby submit comments on MDARD's May 8, 2023 approval of Silver Creek Poultry LLC's Siting Application submitted under Michigan's Generally Accepted Agricultural Management Practices (GAAMPs).

SRAP is dedicated to creating regenerative and just food systems. Through education, advocacy, and organizing, SRAP collaborates with communities to protect public health, environmental quality, and local economies from the damaging impacts of industrial livestock production and to advocate for a socially responsible food future. SRAP has worked for several years with communities in Michigan, and SRAP staff virtually attended the July 26, 2023 MDARD Commission hearing on the Silver Creek Poultry siting application. Several points raised at the hearing caused us great concern, and we submit these comments in an effort to clarify some misunderstanding of the law.

1. Michigan's Right to Farm law preempts most local protections, so MDARD's Siting review is the only opportunity to protect the community from any adverse effects.

At the July 26, 2023 hearing, questions were raised regarding local zoning laws, county/township authority, and Michigan's Right to Farm (RTF) law. These questions unfortunately only appeared to confuse; SRAP hopes to clarify these issues below, and

to explain why MDARD's due diligence on the siting application and the issues raised in the appeal are of such importance.

Michigan's RTF MCL 286.474(6) states:

Beginning June 1, 2000, except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act.

Nevertheless, "a local government may submit to the director a proposed ordinance prescribing standards different from those contained in generally accepted agricultural and management practices if adverse effects on the environment or public health will exist within the local unit of government." MCL 286.474(7). "Adverse effects" on the environment or public health are defined as "any unreasonable risk to human beings or the environment, based on scientific evidence and taking into account the economic, social, and environmental costs and benefits and specific populations whose health may be adversely affected." MCL 286.474(11)(a).

Here, the local government has land use laws that could, in theory, potentially try to be used to protect the community. See, e.g., Michigan State University Extension Land Use Series, "Selected Zoning Court Cases Concerning Michigan Right to Farm Act," (2006, updated 2018 and July 22, 2022)¹ (identifying some areas outside of the GAAMPs where local governments could still regulate); see also Cass County Master Plan (2014). Unfortunately, the local government has not submitted to MDARD a timely proposed ordinance prescribing different standards from the GAAMPs that could mitigate the impacts of Silver Creek Poultry on the community, nor does the local government appear interested in opposing Silver Creek Poultry's proposal.

However, even if they were proposed, Cass County land use laws might not survive a RTF challenge. In a further blow to communities, in 2018 Michigan's Attorney General Schuette issued an Advisory Opinion doubling down on the RTF law by responding broadly to specific five questions, essentially claiming RTF state authority over local

¹ Available at https://www.canr.msu.edu/planning/uploads/files/RTFA%20CourtCases_20220721.pdf.

ordinances.² Thus, the community here, and communities across the state, must rely primarily on the broad scope of MDARD's Siting review for protection.

For site selection, the RTF statute requires MDARD "consider groundwater protection, soil permeability, and other factors determined necessary or appropriate by the commission." MCL 286.474(8)(b). MDARD has determined that the scope of "other factors" is broad; its evaluation "should be comprehensive enough to consider all aspects of livestock production including economics, resources, operation, waste management, and longevity." MDARD's Siting GAAMPs p. 1. The Siting GAAMPs are designed to fulfill three primary objectives: environmental protection, social considerations (neighbor relations), and economic viability. MDARD identified further objectives a siting decision can be based on, including preserving water quality, minimizing odor, working within existing land ownership constraints, future land development patterns, maximizing convenience for the operator, maintaining esthetic character, minimizing conflicts with adjacent land uses, and complying with other applicable local ordinances." Id.

Because local governments have little authority on siting, it is MDARD's obligation to gather information to demonstrate its siting analysis meets RTF and siting GAAMPs objectives. In this situation, despite multiple public records requests, little information has been released to the public, and MDARD is accepting inaccuracies and mistakes in information. Yet, over 500 written comments were submitted in opposition to Silver Creek Poultry and the community prepared and filed a detailed appeal. Without due consideration of the Siting GAAMPs criteria and supporting information, MDARD's Siting decision risks failing to apply, or improperly applying, the GAAMPs and thus will leave the community completely unprotected.

2. No other laws address pre-construction or pre-operation activity concerns.

Most RTF provisions and GAAMPs apply to farms or farm operations while operating. For example, when MDARD investigates a RTF complaint, or finds non-conformance with the GAAMPs, MDARD notifies local government, but local governments largely do not have RTF enforcement authority for operational activities. MCL 286.474(1), (3). Because local zoning is largely preempted by RTF, local governments do not truly have the ability to address pre-construction or pre-operation concerns.

Nor does the siting stage of this facility clearly come under EGLE's review. Once construction is underway, EGLE's construction stormwater authority likely would be available to protect the community. But that protection would likely be limited to water

² Attorney General Schuette Advisory Opinion # 7302 (March 28, 2018) (available at <https://www.ag.state.mi.us/opinion/datafiles/2010s/op10381.htm>).

pollution, and would not consider the broad spectrum of concerns addressed by the Siting GAAMPs, which should be reviewed and analyzed *before* construction.

3. MDARD's Siting analysis must also satisfy NREPA and MEPA requirements.

MDARD's legal responsibilities do not end with the Siting GAAMPs, which are only one tool to help MDARD make a suitability determination. MDARD Siting GAAMPs p. 1. MDARD must also ensure compliance with federal and state law, which would include, e.g., the state Natural Resources and Environmental Protection Act (NREPA) and Environmental Protection Act (MEPA). MCL 286.474(5); MDARD Siting GAAMPs p. 2, 12. MDARD is also a reporting entity under NREPA and MEPA, as the Director shall notify EGLE of "any potential" violation of NREPA or NREPA rules. MCL 286.474(2).

Under NREPA (MCL 324.101 - 324.99923) and MEPA (MCL 324.1701-324.1706), where pollution, impairment, or destruction of air, water, or other natural resources, or the public trust in these resources, is alleged, MDARD (1) is required to make a determination of the likely effects of the activity, and (2) shall not authorize or approve the activity if there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare. MCL 324.1701. Here, over 500 community members submitted written comments, several more provided oral testimony, and a substantive appeal of MDARD's May 8, 2023 Siting Determination all allege that MDARD's decision will, or potentially will, pollute, impair, or destroy natural resources and the public trust in the protection of those resources. MDARD cannot issue a decision that does not comport with NREPA and MEPA.

4. Google Earth/Arc GIS is an inappropriate tool to use when determining the community's legal rights and Silver Creek's liabilities.

Contrary to MDARD's position, Google Earth/ArcGIS data is *not* a replacement for certified land surveyor measurements. Professional and legal publications comparing land surveyor tools versus Google Earth/Arc GIS tools are clear: Google Earth/Arc GIS and land surveys are completely different tools, developed for different purposes, and used for different reasons. They can be used *together* to complement each other, but they cannot supplant each other, especially where legal rights and liabilities are at issue. As explained in the industry publication GIS Lounge, a mapping industry platform, "all of this geographic data can't replace legal boundary data."³ GIS Lounge further explained that "[s]urveying is a highly regulated field, comes with legal requirements for the methods used to record property information; surveyors are required by law to meet standards for experience and to pass examinations in order to be licensed. These laws

³ "Why GIS Doesn't Replace the Need for Surveyors." GIS Lounge (Nov. 19, 2010) (available at <https://www.gislounge.com/why-gis-doesnt-replace-the-need-for-surveyors/>)

are, in effect, consumer protection laws that ensure property rights and public safety.” Id. Michigan State Board of Professional Surveyors, for example, has specific licensing requirements for surveyors in the state, and liability attaches for failing to conduct land surveys in compliance with Michigan’s requirements.

Esri, one of the world’s leading software mapping companies, stated that “Surveying is focused on precision and accuracy, while GIS is primarily focused on data management, spatial analysis and visualization, and less on the spatial accuracy of the data.”⁴ Land survey measurements are created through a network of reference points gathered on the ground, and information is used to measure distance, direction, and angles to provide information on property lines, measuring parcels, planning construction work, and drainage systems. Conversely, Google Earth/Arc GIS data is pulled from a variety of sources with varying degrees of accuracy and precision.⁵ Google Earth/Arc GIS functions only provide a framework to add data layers to further interpret land surveys, e.g., water retention and soil erosion.

Google Earth/Arc GIS maps were never intended to be used to measure distance. Nor were they designed to provide the accuracy of data inputs and measurements necessary where legal rights and liabilities are concerned, like they are here for the community, MDARD, and Silver Creek Poultry and its consultants. The University of Wisconsin Center for Land Use Education sponsored an entire seminar session for surveyors on the legal status and differences between land surveys and GIS tools.⁶

Here, accurate measurements *are* available, if the correct professional instrument of a land survey is used. A land survey will determine the relative distance of the daycare and other residences and businesses to the proposed Silver Creek facility and its sources of odor pollution. A Google Map/Arc GIS review will not.

⁴ Brent A. Jones, Global Manager, Land Records/Cadastre at Esri as quoted in Coordinates, Vol. 3, Issue 3 (March 2007) (available at <https://mycoordinates.org/surveying-vs-gis/#:~:text=Surveying%20has%20focused%20on%20precision,projections%20and%20global%20coordinate%20systems>); see also USGS Map Accuracy Standards (1999) (available at <https://pubs.usgs.gov/fs/1999/0171/report.pdf>) (since the 1940s, the U.S. government has established map accuracy standards, which includes comparing positions of points “as determined by surveys of a higher accuracy.”).

⁵ See n. 2, supra; and see, e.g. excerpt from Kenneth E. Foote and Donald J. Huebner, “The Geographer’s Craft Project”, University of Colorado at Boulder, Department of Geography (2000) (available at PennState College of Earth & Mineral Sciences, Department of Geography (2019) <https://www.e-education.psu.edu/geog469/print/book/export/html/262>).

⁶ University of Wisconsin Stevens Point Center for Land Use Education, “Parcel Maps vs. Survey Maps vs. GIS Legal Status” (72nd Surveyor’s Institute Conference Jan. 27-29, 2021) Handbook available at <https://www3.uwsp.edu/conted/Documents/Surveyors/2021%20Presentation%20Materials/27%20-%20Parcel%20Maps%20vs%20Survey%20Maps%20vs%20GIS%20Legal%20Status%20Handout.pdf> and Presentation Slides available at <https://www3.uwsp.edu/conted/Documents/Surveyors/2021%20Presentation%20Materials/27%20-%20Parcel%20Maps%20vs%20Survey%20Maps%20vs%20GIS%20Legal%20Status.pdf>.

Lastly, public health, general welfare, and natural resources are rights protected by Michigan's Constitution See Mich. Const. § 51, 52. It is illogical that MDARD would support a technical 'numbers game' approach over its legal obligations and GAAMPs objectives of environmental protection, social considerations, and economic viability.

If MDARD has further questions on this, we encourage MDARD to discuss the matter with the Michigan State Board of Professional Surveyors, USGS, Esri Professional GIS Mapping Services, state university engineering and GIS departments, and legal counsel.

5. Michigan Right to Farm's default distance is one mile.

MCL 286.4773c allows sellers of real property located within one (1) mile of the property boundary of a farm or farm operation to notify buyers that the property for sale lies within one mile of the property boundary of a farm or farm operation. Thus in passing the RTF, the Legislature found that the impacts of farms or farm operations is, by default, one mile. If a homeowner within one mile of Silver Creek sells their home, they may elect to notify buyers that the operation may impact the quality of life in the home. However, under the Siting GAAMPs (which are only guidelines), MDARD ignores the RTF's one mile default rule, and proposes a significantly more limited distance for the operation to notify homeowners and to evaluate impacts based on the agency's "Category" classifications for siting review. MDARD's approach of limiting notice to 1/4 or 1/2 mile, when the RTF presumes 1 mile, is illogical and unfair to the community.

Conclusion

SRAP hopes this information is helpful to clarify certain points that were raised on July 26, 2023. Thank you for considering SRAP's comments.

Sincerely,

Socially Responsible Agriculture Project

<u>s/ Michael Payan</u> Regional Representative michaelp@sraproject.org	<u>s/ Rachel Casteel</u> Regional Representative rachelc@sraproject.org	<u>s/ Elisabeth Holmes</u> Senior Counsel elih@sraproject.org
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cc: Dana Nessell, Michigan Attorney General (miag@michigan.gov)
Protect Sister Lakes



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PUBLIC COMMENT
MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT SPECIAL MEETING
MONDAY, AUGUST 14, 2023, LANSING, MI

Chair Chae, Commission Members and Director Boring,

Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We empower, inform, and encourage advocates to change law and policy to improve animals' lives.

Today's Comment supplements the one we submitted for the July 26, 2023, regular meeting in which we urged the Commission to reverse the preliminary approval of Silver Creek Poultry, LLC, Livestock Production Facility Siting Request.

At the July meeting, Commissioners raised questions about the siting request and admitted that they had not read materials submitted by Appellants.

That meeting also brought to light that some basic questions of fact were still in dispute (e.g., whether the day care facility was within the set-back limits; whether notice was proper). Further, the agency had resolved those issues of fact in favor of the applicant for site selection in granting preliminary approval of the application.

This Commission has an important decision to make. The proponents of the siting application, including the MDARD staff and the "panel of recognized professional experts appointed to review MDARD's siting decision" used a rigid application of the GAAMPs to reach its conclusion that they must approve Silver Creek Poultry, LLC's application.

While we disagree with that reading of the GAAMPs, it is important to note that **this Commission has discretion even if it agrees with this interpretation of the GAAMPs.**

1. The Right to Farm Act itself gives you discretion:

"Generally accepted agricultural and management practices" means those practices as defined by the Michigan commission of agriculture. **The commission shall give due consideration to available Michigan department of agriculture information and written recommendations** from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture natural resources conservation service and the consolidated farm service agency, the Michigan department of natural resources, and other professional and industry organizations. ⁱ(*Emphasis added*)

By definition, you are not required to adopt the agency's recommendations, only to give them "due consideration".

2. So do the current Siting GAAMPs:

Site selection is a complex process, and **each site should be assessed individually** in terms of its proposed use. These GAAMPs are written in recognition of the importance of site-specificity in siting decisions. **While general guidelines apply to all siting decisions, specific criteria are not equally applicable** to all types of operations and all locationsⁱⁱ. (*emphasis added*)

The statute requires you to consider the recommendation, but it does not require you to adopt it.

The significant and relevant input from appellants supplemented by testimony from the impactful testimony from people who would have to live near the proposed facility are more than sufficient reason for this Commission to exercise its discretion and not accept the recommendation to approve the site selection application.

Very truly yours,



Beatrice M. Friedlander, JD
Board President

ⁱ MCL § 286.472(d), <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-93-of-1981.pdf>

ⁱⁱ <https://www.michigan.gov/mdard/-/media/Project/Websites/mdard/documents/environment/rtf/2023-GAAMPs/2023-Site-Selection-GAAMPs.pdf?rev=108073e4cff840a7a58707693f86d54d&hash=DF0D4C1A7169CD1639AEB451094CC8F1> (page 6 of 36)