



MICHIGAN DEPARTMENT OF AGRICULTURE

RIGHT TO FARM PROGRAM

FISCAL YEAR REPORT 2007

ENVIRONMENTAL STEWARDSHIP DIVISION

Right to Farm

FY 2007 Report

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

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

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

While complaint response activities determine verified environmental problems, they are also a very effective mechanism for farmers to implement the necessary corrective management practices to fix those problems, bring their farm operations into conformance with GAAMPs, and as such, earn nuisance protection. Coordination with other agencies and RTF follow up inspections track the progress of farmers and document completion of projects.

The site selection portion of the program helps producers carefully plan, site, build, and manage their new or expanding livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations.

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

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

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

Right to Farm Program Environmental Complaint Response

In FY 2007 the Michigan Department of Agriculture (MDA) Right to Farm (RTF) Environmental Complaint Response Program conducted 159 investigations, primarily in response to new complaints received from the public, the Michigan Department of Environmental Quality (MDEQ), and other agencies. Of the total 159 investigations, five requests were from farmers for proactive inspections and RTF GAAMPs determinations at their farm facilities. In addition, 145 RTF follow up inspections were conducted.

Table 1. Total complaints per fiscal year

Fiscal Year	Total Investigations	Follow Up Inspections
FY 2007	159	145
FY 2006	164	140
FY 2005	162	134
FY 2004	121	102
FY 2003	127	162
FY 2002	145	231
FY 2001	157	135

During FY 2007, Right to Farm complaints came from 55 counties all across Michigan. Huron and Oakland Counties recorded nine complaints each, St. Joseph had seven, and Genesee, Gratiot, and Kent each had six. Other counties recording a high number of complaints included Ionia, Kalamazoo, Montcalm, Ottawa, and Washtenaw, each with five, and Barry, Hillsdale, Livingston, Saginaw, Shiawassee, St. Clair, and Tuscola, each with four complaints.

This report also includes a table of accomplishments with corrective farm management practices grouped by the major resources of surface water, air quality, and groundwater, and the measurable results of each farmer's work to implement those practices. In addition, management plans are an effective way for producers to maintain those practices, sustain their farm operations, and prevent pollution.

Throughout this report, the tables and figures provide numbers and percentages based on the total number of complaints. In FY 2007 on-site inspections conducted in response to proactive requests by the producers, have been included in the reported information. Beginning in FY 2004, RTF received five proactive inspection requests, with six in FY 2005. A rise to ten proactive inspections in FY 2006 may be explained, in part, due to continued population growth and urban land use pressures in many rural areas, putting environment issues on the forefront, and farmers wanting RTF protection. Some of the charts, graphs, and tables show this information; however, if it is not specified, then the five proactive inspections conducted in FY 2007 were not included.

Enterprise Type

As shown in Table 2, in FY 2007, complaints regarding dairy farms decreased slightly from 31% of the complaints in FY 2006, to 29%, continuing to make it the highest percentage for enterprise type. Equine complaints dipped from 27% of the total complaints in FY 2005, to 20% in FY 2006, and fell further to 16% in FY 2007, while beef complaints rose by 5% since last year.

Table 2. RTF complaints by enterprise type for fiscal years 2004 through 2007

Comparison of Complaints between Enterprise Types (Percent)				
	2007	2006	2005	2004
Beef	20	15	16	22
By-Products ¹	3	2	3	5
Crops ²	10	8	11	9
Dairy	29	31	26	31
Equine	16	20	27	12
Poultry	4	5	2	6
Swine	8	9	12	12
Combination ³	3	3	3	3
Exotic ⁴	7			

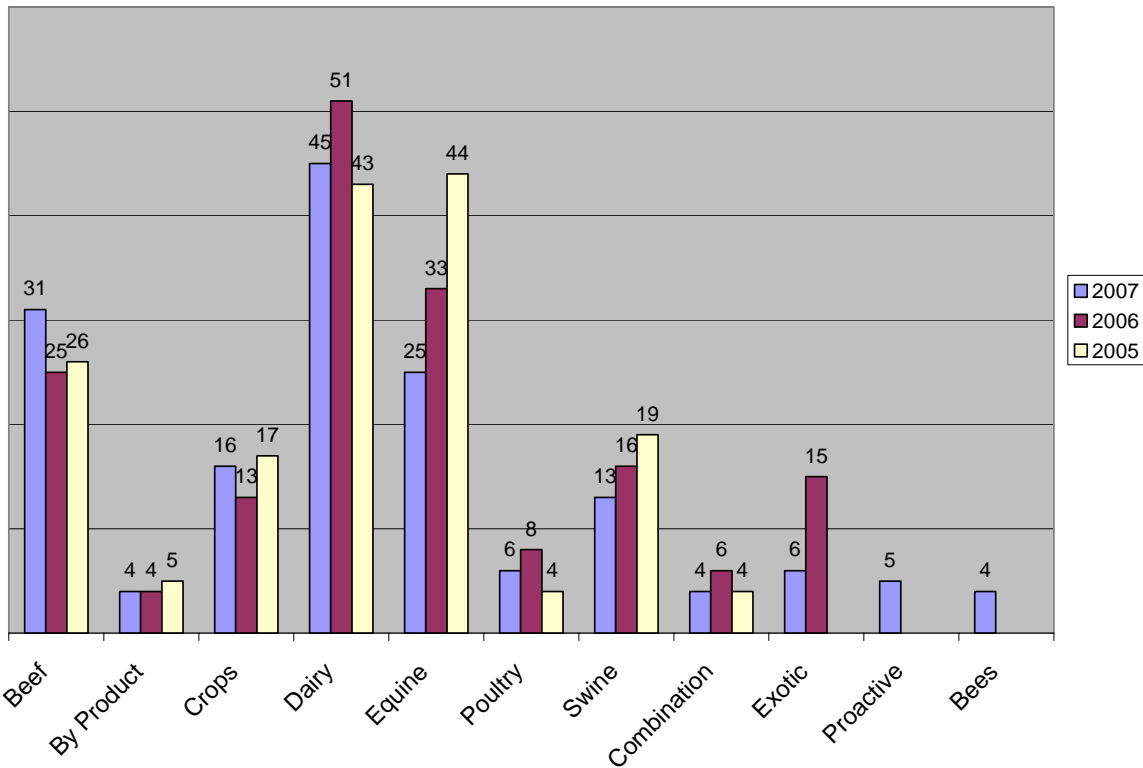
¹ By-products from fruit and vegetable food processing

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

³ Two or more species included in complaint

⁴ Includes llamas, alpacas, and bees

Figure 1. Number of complaints by enterprise type per fiscal year



Resource Concerns

Table 3 shows the complaint types by resource concerns as a percentage of the total. Surface water and air quality consistently have been the top two complaint types. However, air quality complaints rose significantly from 39% in FY 2004, to 51% in FY 2005, and were at 48% and 47% in FY 2006 and FY 2007, respectively. Surface water complaints declined from 42% in FY 2004 to 25% in FY 2005, were at 26% in FY 2006, and up slightly in FY 2007 to 28%.

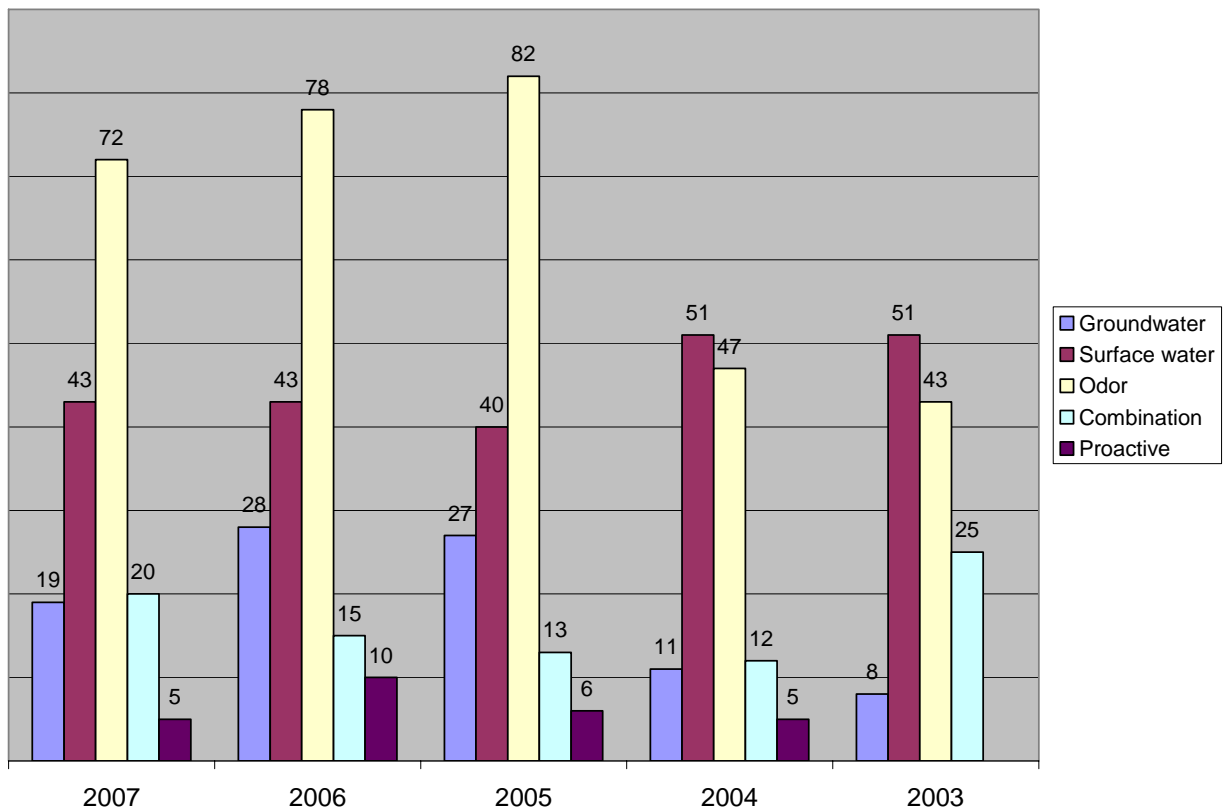
Table 3. Environmental complaint concerns for fiscal years 2004 through 2007

Comparison of Complaints Types (Percent)				
	2007	2006	2005	2004
Air Quality	47	48	51	39
Groundwater	12	17	16	9
Surface Water	28	26	25	42
Combination ⁵	13	8	10	20

⁵ Two or more resource concerns cited in complaint

Aside from the changes in percentage of complaint types in the past years, as shown in Table 3, Figure 2 below illustrates that the number of surface water complaints have declined slightly, while there has been a significant increase in air quality complaints. Air quality complaints usually involve excessive manure odors and sometimes include excessive flies and dust. Surface water complaints typically concern uncontrolled livestock access to streams, barnyard runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches or field tiles. Historically, groundwater has been a single resource concern in only a small percentage of the complaints. Table 3 shows that since FY 2007, the percentage of the total complaints concerning groundwater rose from 9% to 16% in FY 2005, to 17% in FY 2006, and then declined to 12% in FY 2007. Combination complaints often concern both surface water quality and air quality, and occasionally involve groundwater.

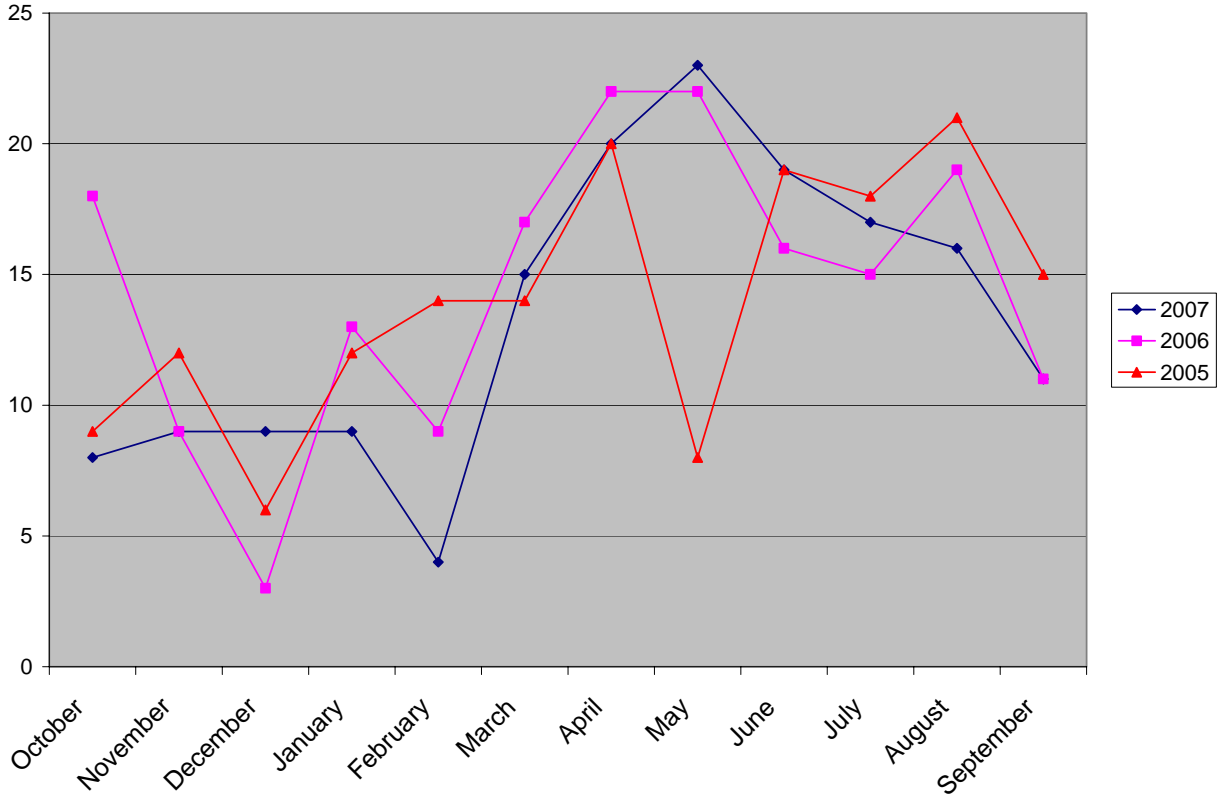
Figure 2. Number of complaints by resource type per fiscal year



Distribution of Complaints

The seasonal distribution of complaints by month and their variation over the course of the last three fiscal years is illustrated in Figure 3 below.

Figure 3. Number of complaints by month per fiscal year



Some of these variations may have occurred due to seasonal or annual weather conditions, an increase in the general public's environmental awareness, more exposure of the Right to Farm Program, or any combination of these.

Verified vs. Not Verified Complaints

Figure 4 illustrates the changes in number of verified complaints over the past four fiscal years. Right to Farm inspections are comprehensive reviews of all GAAMPs that apply to the farm and, as such, utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid complaints in the future.

In some cases, where after an on-site inspection the complaint was not verified but the farm operation was not following a written Manure Management System Plan (MMSP), the producer was asked to develop and implement a plan. RTF staff then determined whether the producer was following all the GAAMPs that apply to their farm operation. Proactive inspections, as well as those complaints that were not verified but the farm facility needed an MMSP, are detailed here as well. In three of the past four years, a majority of the complaints have been verified.

Figure 4. Number of Verified vs. Not Verified complaints

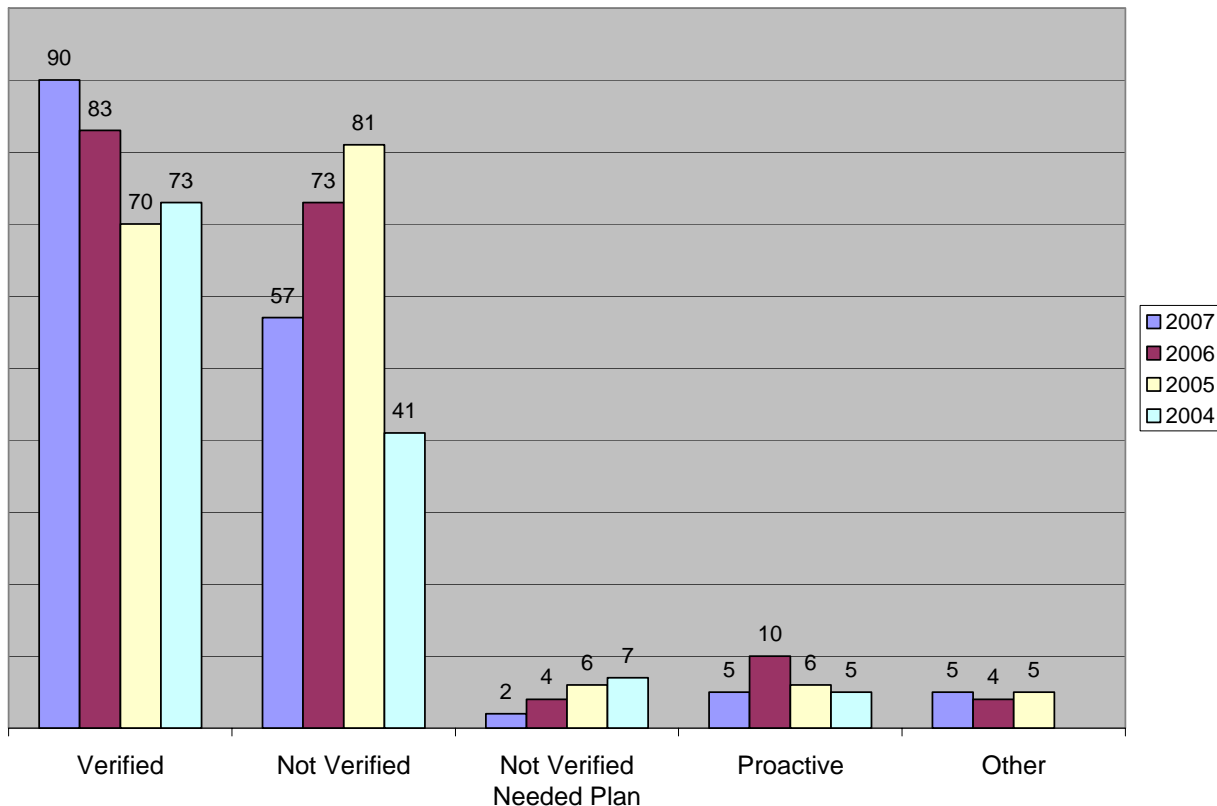


Table 4. Comparison of Verified versus Not Verified complaints per year

Fiscal Year	Verified versus Not Verified (Percent)
FY 2007	59 : 37 (remaining 1% for Not Verified Needed Plan and 3% for other)
FY 2006	51 : 45 (remaining 2% for Not Verified Needed Plan and 2% for other)
FY 2005	43 : 50 (remaining 4% for Not Verified Needed Plan and 3% for other)
FY 2004	60 : 34 (remaining 6% for Not Verified Needed Plan)
FY 2003	73 : 27
FY 2002	77 : 23
FY 2001	61 : 39

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

When complaints are verified, or further documentation is needed to determine conformance to the applicable GAAMPs, then a MDA RTF follow-up inspection is scheduled and conducted to review the effectiveness of the changes that have been implemented, and the provisions of the farm’s MMSP or corrective management plan. If the changes abated the source of the complaint; and/or the required documentation is provided, then these cases are classified as “Abated”, and the file is closed.

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

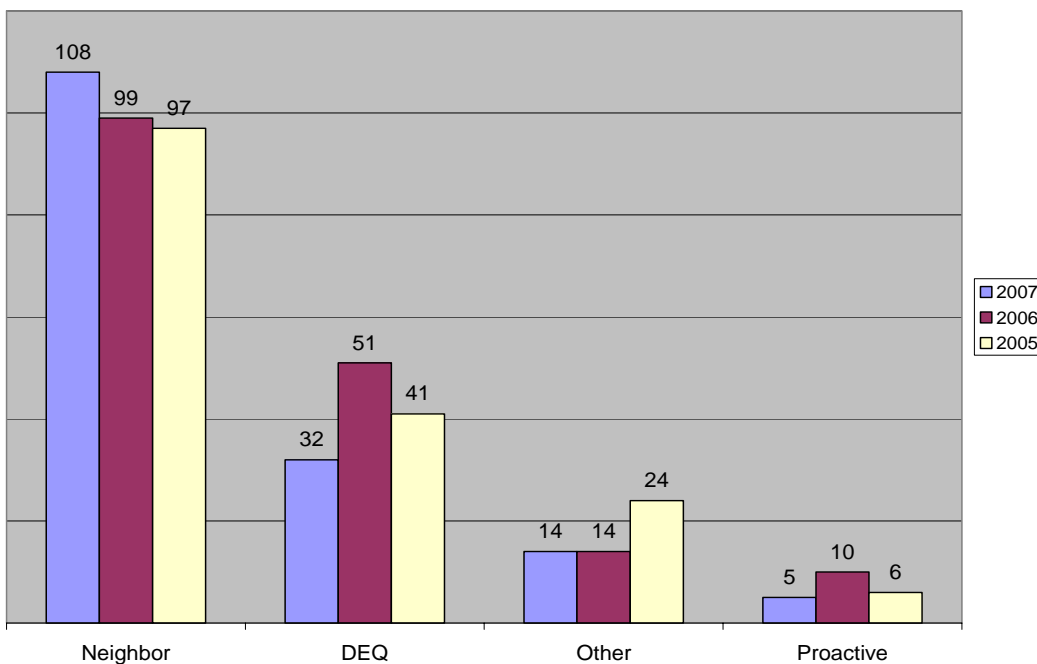
A “Proactive” request is one where a farmer has contacted MDA to request a Right to Farm determination regarding their farm operation. These producers want to make sure they are following all of the GAAMPs that apply to their farm operations. In these

situations, while MDA has not received a formal complaint for investigation, we do require a written management plan be submitted for review and approval prior to scheduling an on-site farm inspection. When the Plan and farm records utilize GAAMPs and the MDA inspection confirms that the Plan and all applicable GAAMPs are being followed, then MDA provides the requested determination in a letter to the farm.

In FY 2004 a new classification “Other” was added to document transferred or withdrawn cases. For verified complaints, if after a reasonable period of time, the necessary changes to bring the farm operation into conformance with GAAMPs have not been implemented, then MDA will typically refer the case to the Michigan Department of Environmental Quality (MDEQ) for an evaluation of compliance with Michigan’s environmental code. Farms whose complaint files have been referred or transferred are subject to applicable enforcement actions by the MDEQ. Withdrawn cases are those where the complainant chose to retract their initial complaint.

Where Complaints Originate

Figure 5. Number of complainants by fiscal year



Urban encroachment, suburban sprawl, and more residential housing in rural, farming areas, along with increased environmental awareness, all contribute to the pattern depicted in Figure 5 on page ten and Table 5 below. The percentage of complaints referred to MDA from the Michigan Department of Environmental Quality (MDEQ) decreased from 31% in FY 2006 to 20% in FY 2007. Complaints from neighbors remain the largest percentage of the total each year.

Table 5. Complainants in percentage by fiscal year

Fiscal Year	Total Complaints (Percent)		
	Neighbor	DEQ	Other
FY 2007	68	20	12
FY 2006	60	31	9
FY 2005	60	25	15
FY 2004	59	35	6
FY 2003	61	28	11
FY 2002	68	29	3
FY 2001	81	15	4

Accomplishments

The accomplishments outlined in the following table are the result of the cooperation and work from the people whose farms were identified in RTF complaints during FY 2007. These farmers utilized the RTF GAAMPs to implement sound management practices on their farms to handle manure and other nutrients and control odors.

With assistance from Michigan State University Extension, local conservation districts, the USDA Natural Resources Conservation Service, and private sector plan writers, many farmers developed and implemented Manure Management System Plans (MMSP). The MMSPs on these farms are excellent tools to manage manure and other nutrients, control odors, and prevent pollution.

Table 6. Agricultural management practices implemented in response to RTF complaints

Corrective Practices	Results
Surface water quality protection	
Livestock excluded from surface water	255 Animal Units (AU)
Stream bank fencing installed	4 Projects
Feet of stream bank fencing installed	4240 Feet
Controlled watering access sites installed	3
Vegetative buffer areas installed	5
Runoff control/groundwater protection	
Runoff control structures installed	14
Number of farms that utilized stockpiled manure/by-products	10
Number of fields on which manure was incorporated	6
Number of farms that provided soil tests	21
Change of management for runoff/leachate control in flood plain/wetland/sensitive areas	12
Pollution prevention	
Manure Management System Plans (MMSP) or nutrient management plans developed and implemented	16
Animal units covered by plans	3601 AU
Application acres covered by plans	13608 Acres
Proactive	
Proactive inspections	5
Not verified complaints but facility was not covered by a MMSP	2
Other	
Installed new manure storage	1
Built a new barn	1
Sold cattle/facility closed	2
Installed an alternative watering source	1
Bee colonies moved or removed	4

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

FY 2007

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs) were first adopted in June of 2000. Site Selection GAAMPs and the preemption of local ordinances regulating certain agricultural practices on agriculturally zoned property, were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by over 200 producers in selecting the best site to construct a new facility or expand their existing facility.

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

When the verification request is received, MDA sends a letter acknowledging receipt of the request; and a copy of this letter is sent to the township of the proposed site. After the verification request is thoroughly reviewed, MDA schedules and conducts an inspection of the site to discuss the proposed project with the farmer. Upon completion of this process, if all of the information requirements in the Site Selection GAAMPs application checklist are provided, then MDA sends a letter to the livestock producer approving their verification request; and a copy of this letter is sent to the township.

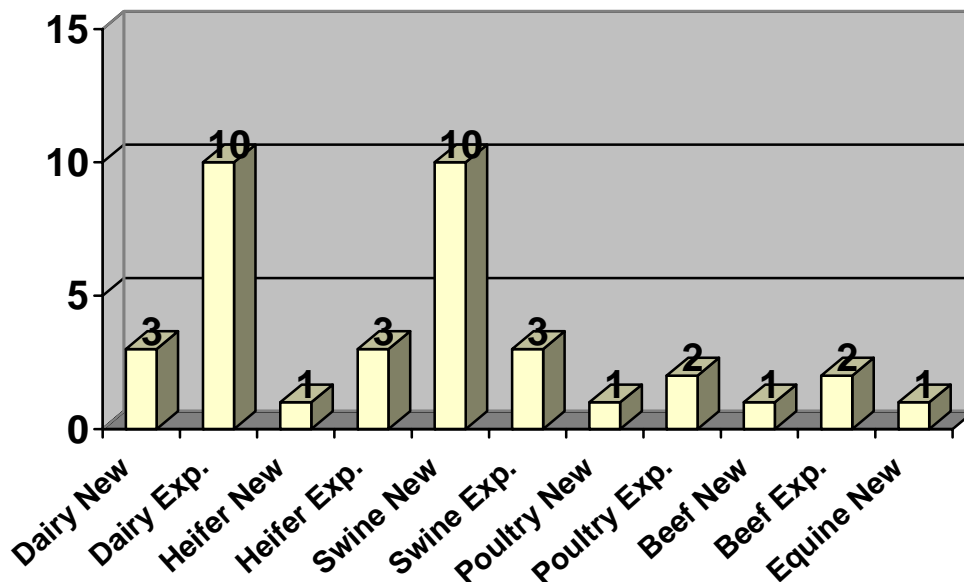
MDA may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and, for some new operations, before the facility is populated with livestock, MDA will conduct a final inspection to verify the facility was constructed according to the approved verification request.

MDA received 37 verification requests in FY 2007. Table 7 outlines the verification requests received based on livestock type and new or expanding facilities.

Table 7. Verification requests by livestock species

Dairy		Dairy Heifer		Swine		Poultry		Beef	
Total = 13		Total = 4		Total = 13		Total = 3		Total = 3	
Expanding	New	Expanding	New	Expanding	New	Expanding	New	Expanding	New
10	3	3	1	3	10	2	1	2	1

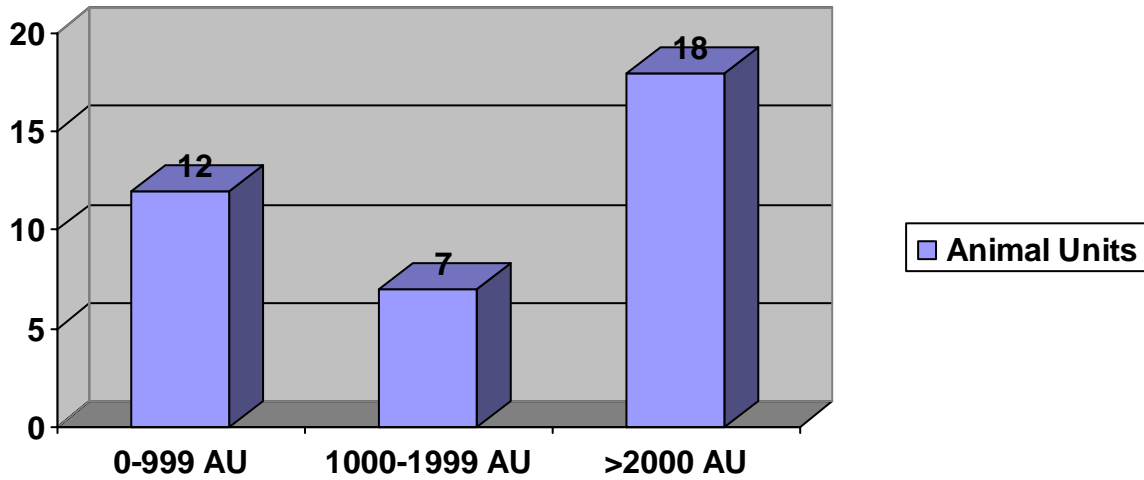
Figure 7. Verification requests by livestock species



Of the 13 verifications for dairy, ten were for expansions and three for new facilities. Dairy heifer verifications include one new and three expanding; swine had ten new and three expanding facilities; poultry had one new and two expanding facilities; beef had one new and two expanding facilities, and there was one new equine facility.

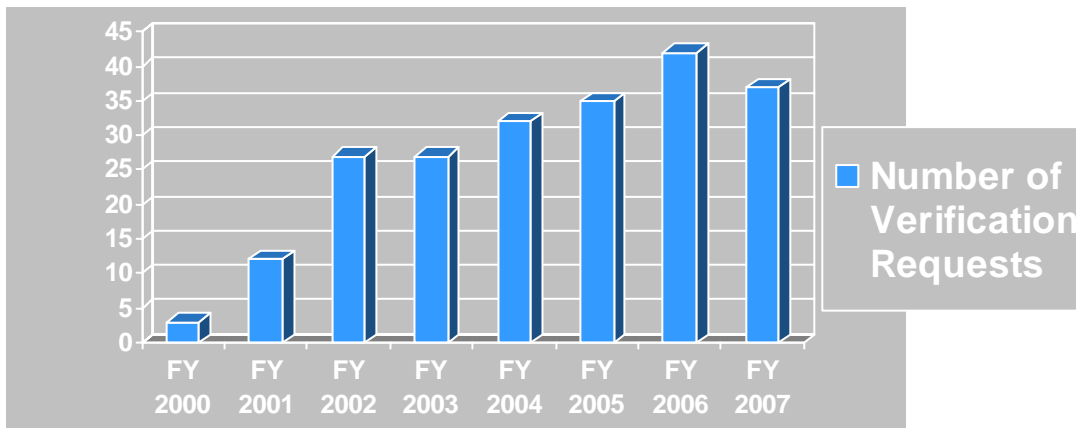
Out of the 37 verification requests, 20 were for expanding facilities and 17 were for new facilities. Of this total, 12 requests were for 0-999 Animal Units (AU) facilities, seven were for 1000-1999 AU facilities, and 18 were for 2000+ AU facilities as shown in Figure 8.

Figure 8. Verification requests by animal units



The numbers of verification requests since June of 2000 are shown in Figure 9.

Figure 9. Site Selection verification requests by number per year



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

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

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