

HOUSE BILL No. 4324

February 26, 2013, Introduced by Reps. Foster, LaFontaine, Victory, McBroom, Goike, Rendon and Potvin and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8703, 8707, 8708, and 8709 (MCL 324.8703, 324.8707, 324.8708, and 324.8709), as amended by 2011 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8703. (1) "Envelope monitoring" means monitoring of
2 groundwater in areas adjacent to properties where groundwater is
3 contaminated to determine the concentration and spatial
4 distribution of the contaminant in the aquifer.

5 (2) "Environmental assurance advisory council" means the
6 environmental assurance advisory council established ~~in~~**UNDER**
7 section 8708.

8 (3) "Farm" means that term as it is defined in section 2 of
9 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

1 (4) "Farmer" means a person who owns or operates a farm.

2 (5) "Fertilizer" means a fertilizer as defined in part 85.

3 (6) "Fund" means the freshwater protection fund created in
4 section 8716.

5 (7) "General screening" means monitoring of groundwater for
6 the purpose of determining the presence and concentration of
7 analytes.

8 (8) "Groundwater" means underground water within the zone of
9 saturation.

10 (9) "MAEAP" or "Michigan agriculture environmental assurance
11 program" means the Michigan agriculture environmental assurance
12 program provided for in section 8710.

13 (10) "MAEAP standards" means all of the following as adopted
14 by the commission of agriculture and rural development for the
15 purpose of implementing the Michigan agriculture environmental
16 assurance program:

17 (a) Conservation practices.

18 (b) Site-specific nutrient management plan requirements.

19 (c) Emergency protocols.

20 (d) Completed environmental risk **AND BENEFIT** assessments.

21 (e) United States department of agriculture natural resources
22 conservation service practice standards.

23 (f) Generally accepted agricultural and management practices
24 developed under the right to farm act, 1981 PA 93, MCL 286.471 to
25 286.474.

26 (g) Other standards considered appropriate by the director.

27 (11) "MAEAP-verified farm" means a farm determined by the

1 department as meeting applicable MAEAP standards through an on-site
2 evaluation.

3 (12) "Maximum contaminant level" means that term as it is
4 defined in title XIV of the public health service act, chapter 373,
5 88 Stat. 1660, and regulations promulgated under that act.

6 (13) "Method detection limit" means the minimum concentration
7 of a substance that can be measured and reported with 99%
8 confidence that the analyte concentration is greater than 0 and is
9 determined from analysis of a sample in a given matrix that
10 contains the analyte.

11 (14) "Monitoring" means sampling and analysis to determine the
12 levels of pesticides or their breakdown products; fertilizers or
13 their residues; or other analytes as determined by the director.

14 Sec. 8707. (1) The director, in conjunction with Michigan
15 state university extension and the Michigan state university
16 agricultural experiment station, and in cooperation with the United
17 States department of agriculture natural resources conservation
18 service, the department of environmental quality, and other
19 professional and industry organizations, shall develop conservation
20 practices for approval by the commission of agriculture and rural
21 development and upon approval shall promote their implementation.

22 (2) The director, in conjunction with Michigan state
23 university, the department of environmental quality, and other
24 persons the director considers appropriate, shall develop protocols
25 for voluntary on-site evaluations. The on-site evaluations shall be
26 designed to do all of the following:

27 (a) Provide farmers with the ability to voluntarily determine

1 the relative risk of current practices in relation to sources of
2 contamination.

3 (b) Provide farmers with the ability to determine the degree
4 to which farm operations are in accord with MAEAP standards and
5 applicable law.

6 (c) Prioritize operational changes on farms to protect
7 groundwater and surface waters from sources of contamination.

8 (d) Guide farmers to appropriate technical and educational
9 materials.

10 (e) Provide farmers with the opportunity for verification.

11 **(F) PROVIDE LANDOWNERS WITH THE ABILITY TO VOLUNTARILY ASSESS**
12 **THE VALUE OF MANAGING AREAS OF THE LAND THAT ARE NOT UTILIZED FOR**
13 **TRADITIONAL OR PRODUCTION AGRICULTURE PRACTICES FOR ENVIRONMENTAL,**
14 **ECOLOGICAL, AND ECONOMIC BENEFITS.**

15 (3) The director, in conjunction with the environmental
16 assurance advisory council, shall review and evaluate the
17 effectiveness of conservation practices approved under subsection
18 (1).

19 Sec. 8708. (1) The director shall establish an environmental
20 assurance advisory council composed of all of the following:

21 (a) The director of the department of agriculture and rural
22 development.

23 (b) The director of the department of environmental quality.

24 (c) The director of the Michigan state university extension.

25 (d) The director of the Michigan state university agricultural
26 experimentation station.

27 (e) Representatives of all of the following as appointed by

1 the director to serve terms of 3 years:

2 (i) The United States department of agriculture - farm service
3 agency.

4 (ii) The United States department of agriculture natural
5 resources conservation service.

6 (iii) Conservation districts.

7 (iv) Farmers and other agricultural organizations.

8 (v) Nongovernmental conservation and environmental
9 organizations.

10 (vi) Regulated agricultural industries.

11 **(vii) A PRIVATE CONSULTING FORESTER.**

12 **(viii) A MEMBER OF THE FOREST PRODUCTS INDUSTRY.**

13 **(ix) A MEMBER OF THE LOGGING PROFESSION.**

14 **(x) ~~(vii)~~**—Other persons as determined by the director.

15 **(xi) ~~(viii)~~**—A member representing each regional environmental
16 assurance team established under section 8709.

17 (2) The environmental assurance advisory council shall be co-
18 chaired by the representative from Michigan state university
19 extension and a representative from 1 of the farmers and other
20 agricultural organizations.

21 (3) The environmental assurance advisory council shall advise
22 the director on, but not limited to, the following:

23 (a) MAEAP standards.

24 (b) On-site evaluations for verification of specific aspects
25 of a farming operation.

26 (c) Water quality and environmental monitoring.

27 (d) Protocols for verification and revocation of verification.

1 (e) MAEAP activities.

2 (f) Interagency coordination of conservation programs.

3 (g) The use of money in the clean water fund created in
4 section 8807 and other funding sources to promote MAEAP and
5 activities to encourage more MAEAP-verified farms.

6 (h) Options to increase assistance to assist small- and
7 medium-sized farms in achieving MAEAP standards.

8 (i) The creation of subcommittees as needed to address
9 emerging and ongoing issues.

10 **(J) ON-SITE EVALUATIONS OF POTENTIAL ENVIRONMENTAL,**
11 **ECOLOGICAL, AND ECONOMIC BENEFITS THAT CAN BE REALIZED BY MANAGING**
12 **AREAS OF THE LAND THAT ARE NOT UTILIZED FOR TRADITIONAL OR**
13 **PRODUCTION AGRICULTURE PRACTICES.**

14 (4) The environmental assurance advisory council shall do all
15 of the following:

16 (a) Annually provide recommendations to the director on MAEAP
17 standards and protocols for verification and revocation of
18 verification for consideration by the commission of agriculture and
19 rural development.

20 (b) Annually submit a report to the department that outlines
21 activities, accomplishments, and emerging issues. The department
22 shall share this report with the agriculture community.

23 (c) Not later than September 30, 2014, submit to the director
24 a comprehensive report detailing program achievements under the
25 Michigan agricultural environmental assurance program.

26 **(D) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2013**
27 **AMENDATORY ACT THAT AMENDED THIS SECTION, SUBMIT TO THE DIRECTOR A**

1 RECOMMENDATION FOR AN ASSESSMENT TOOL DESIGNED TO ASSIST LANDOWNERS
2 TO VOLUNTARILY ASSESS THE VALUE OF MANAGING AREAS OF THE LAND THAT
3 ARE NOT UTILIZED FOR TRADITIONAL OR PRODUCTION AGRICULTURE
4 PRACTICES FOR ENVIRONMENTAL, ECOLOGICAL, AND ECONOMIC BENEFITS. THE
5 ASSESSMENT TOOL SHALL ASSESS, AT A MINIMUM, ALL OF THE FOLLOWING:

6 (i) FOREST MANAGEMENT FOR TIMBER, HABITAT DEVELOPMENT, OR BOTH.

7 (ii) WETLAND RESTORATION DEVELOPMENT POTENTIAL.

8 (iii) HABITAT RESTORATION DEVELOPMENT.

9 Sec. 8709. (1) The director may establish regional
10 environmental assurance teams composed of departmental,
11 educational, and technical assistance personnel, and other persons
12 as determined necessary by the director, or the team, or both for
13 implementation of programs developed under this part.

14 (2) The environmental assurance teams established under
15 subsection (1) are responsible for implementation of programs
16 developed under this part, including, but not limited to, all of
17 the following:

18 (a) Providing access to educational opportunities including
19 direct educational assistance and consulting programs;
20 demonstration projects; educational programs; and tours, workshops,
21 and conferences.

22 (b) Providing access to technical assistance related to any of
23 the following:

24 (i) On-site evaluation of practices that may impact natural
25 resources.

26 (ii) The development and implementation of conservation plans.

27 (iii) The development and implementation of activity plans for

1 persons making conservation practice changes.

2 (iv) ON-SITE EVALUATION OF POTENTIAL ENVIRONMENTAL, ECOLOGICAL,
3 AND ECONOMIC BENEFITS THAT CAN BE REALIZED BY MANAGING AREAS OF THE
4 LAND THAT ARE NOT UTILIZED FOR TRADITIONAL OR PRODUCTION
5 AGRICULTURE PRACTICES.

6 (c) Evaluating, as available, grants to persons implementing
7 activity plans and conservation practices required to achieve MAEAP
8 standards.