

**SUBSTITUTE FOR
SENATE BILL NO. 57**

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

1 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

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

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

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

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

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

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

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

18 (a) Conservation practices.

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

20 (c) Emergency protocols.

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

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

24 (f) Generally accepted agricultural and management practices
25 developed under the right to farm act, 1981 PA 93, MCL 286.471 to
26 286.474.

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

1 (11) "MAEAP-verified farm" means a farm determined by the
2 department as meeting applicable MAEAP standards through an on-site
3 evaluation.

4 (12) "Maximum contaminant level" means that term as it is
5 defined in title XIV of the public health service act, chapter 373,
6 88 Stat. 1660, and regulations promulgated under that act.

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

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

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

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

1 (a) Provide farmers with the ability to voluntarily determine
2 the relative risk of current practices in relation to sources of
3 contamination.

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

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

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

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

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

16 (3) The director, in conjunction with the environmental
17 assurance advisory council, shall review and evaluate the
18 effectiveness of conservation practices approved under subsection
19 (1).

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

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

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

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

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

1 (e) Representatives of all of the following as appointed by
2 the director to serve terms of 3 years:

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

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

7 (iii) Conservation districts.

8 (iv) Farmers and other agricultural organizations.

9 (v) Nongovernmental conservation and environmental
10 organizations.

11 (vi) Regulated agricultural industries.

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

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

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

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

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

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

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

24 (a) MAEAP standards.

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

27 (c) Water quality and environmental monitoring.

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

2 (e) MAEAP activities.

3 (f) Interagency coordination of conservation programs.

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

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

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

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

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

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

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

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

27 **(D) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2013**

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

- 7 (i) FOREST MANAGEMENT FOR TIMBER, HABITAT DEVELOPMENT, OR BOTH.
8 (ii) WETLAND RESTORATION DEVELOPMENT POTENTIAL.
9 (iii) HABITAT RESTORATION DEVELOPMENT.

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

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

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

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

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

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

1 (iii) The development and implementation of activity plans for
2 persons making conservation practice changes.

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

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

10 Enacting section 1. This amendatory act takes effect June 1,
11 2013.