Make Your Farm Last by Reaching Out First!

Laura Campbell, Michigan Farm Bureau

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MICHIGAN FARM BUREAU®

Do I need a permit for that???

- Farming of all sizes and products is an incredibly important part of Michigan:
  - Provides food, fiber, feed, and fuel worldwide
  - Economic driver and stability for rural communities
  - Michigan produces the 2nd most diverse agricultural products in the US
- Many on-farm activities may be regulated or require permits for environmental protection:
  - Pesticide application
  - Ponds, ditches, drains
  - Wetlands
  - Irrigation
  - Livestock/manure management
- There are resources to help!

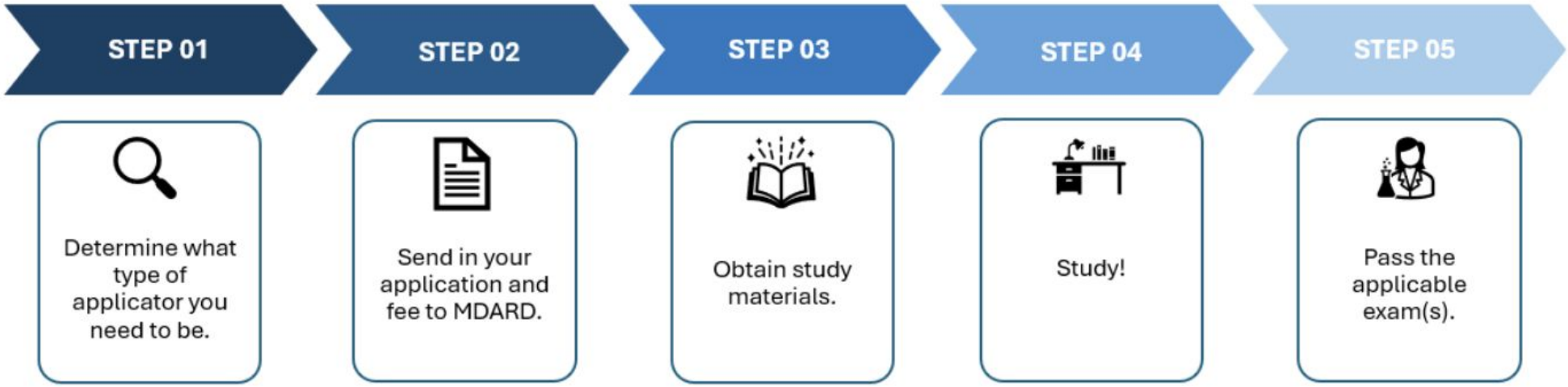
Image by Michigan State University

Pesticide Application

- The label is the law:
  - Registration
  - Crops for use
  - Storage
  - Handling
  - Use
  - Disposal
  - Licenses required
  - Application restrictions – watch for Restricted Use requirements!!!
  - *Some* region-specific directions

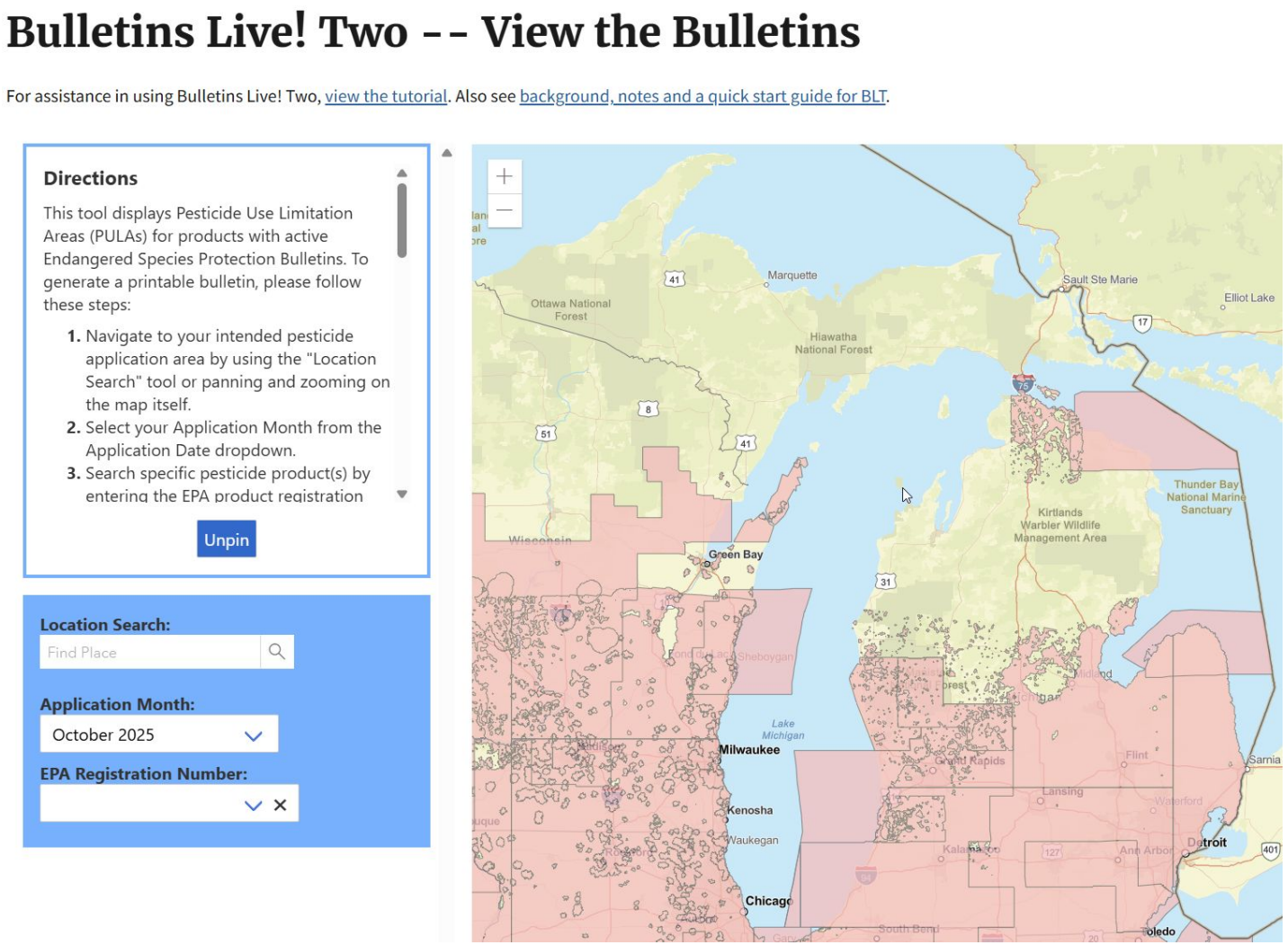
Image by Cropaia

Restricted Use Pesticides



- Available only to certified applicators
- MDARD provides training, testing to obtain RUP certificate
  - Private applicators: applying to your own or your employer's farm
  - Commercial applicators: applying products for a for-hire service
- Certification lasts 3 years, obtain RUP credits or re-test to renew
- https://www.michigan.gov/mdard/licensing/pesticide/pesticide-applicator-certification for more information

New Directions, New Requirements



- The label is the law…and the label may direct you to Bulletins Live! Two for more information:
  - Regional/site-specific application limits
  - Pesticide Use Limitation Areas (PULAs) where rate limits may be lower or conservation practices may be required
  - Runoff reduction and drift reduction requirements

Image by U.S. Environmental Protection Agency

Resources to Help

EPA's Pesticides and ESA Educational Resources Toolbox

- https://www.epa.gov/endangered-species/pesticides-and-endangered-species-educational-resources-toolbox

Bulletins Live! Two

- https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins

Michigan State University Tutorial and Technical Support for Bulletins Live! Two

- https://www.canr.msu.edu/blt/

Michigan Department of Agriculture and Rural Development's Pesticide Programs

- https://www.michigan.gov/mdard/plant-pest/pesticides

National Agricultural Law Center

- https://nationalaglawcenter.org/research-by-topic/pesticides/

Ponds and Ditches and Drains, Oh My!

- Are you constructing something new or repairing something already there?
- Who has jurisdiction over that drain/ditch?
  - County Drain Commissioner?
  - County Road Commission?
  - State of Michigan (water of the state)?
  - Private agricultural drain?
- How big is that pond (5+ acres = more regulation)?

Photo by Michigan Department of Environment, Great Lakes, and Energy

New Construction

- You will need permits if your project is:
- < 500 feet from a water of the state (inland lake, stream, county drain)
- In a regulated wetland (wetland is < 500 feet from another regulated water or is > 5 acres)
- In a floodplain
- For ANY project you will need a county soil erosion/ sedimentation control permit (SESC)

Photo by Lonestar Minerals

Repairing Existing Ponds/Ditches/Drains

- Jurisdiction:
  - County/Road Drains: you **CANNOT** work in a County Drain without permit/ authorization from Drain/Road Commissioner
  - Private ditch/drain: you may not need permits, unless you change the outlet
- Project Scope:
  - If you make the pond/ditch/drain bigger/deeper/wider, treat it like a new structure – you need permits
  - If you are maintaining existing structures to their same designed size, you may not need state permits
- Remember, SESC permits are still required

Photo by Ohio State University

Resources to Help

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

- Regulates waters of the state, issues permits, offers pre-application meetings
- https://www.michigan.gov/egle/about/organization/water-resources/joint-permit-application/pre-application-meetings-wetlands-lakes-streams

Conservation District, Michigan State University Extension

- Confidential, can advise you on whether you are likely to need a permit
- https://www.macd.org/
- https://www.canr.msu.edu/outreach/

County Drain Commissioner

- Caution: Drain Commissioners may not know what state permits you need, so don't start digging as soon as you get your SESC permit
- https://macdc.us/members/contact-your-drain-commissioner/

County Road Commissions

- Will only issue permits or authorize work on road ditches/drains; remember, their #1 job is safety of roads
- https://micountyroads.org/about/find-a-county-road-agency/

“Toad”ally Protecting Wetlands!

This is a wetland

This is ALSO a wetland!

- Everyone defines a wetland the same way:
  - Hydric soils
  - Shallow groundwater hydrology
  - Supports wetland plants/trees

But…

- Wetland *requirements* depend on the program!
  - EGLE: waters of the state, applies to EVERYone
  - USDA: Farm Bill, applies to anyone receiving payments from USDA (conservation programs, crop insurance, disaster assistance, loans)
  - Determinations DO NOT carry from one agency to the other!!!

Photos by Michigan Natural Features Inventory

Wetland Requirements: EGLE

- What's regulated:
  - Any wetland <500 feet from inland lake/stream or <1000 feet from Great Lakes
  - Any wetland larger than 5 acres
  - Any "rare and imperiled" wetland (prairie fens, interdunal wetlands, etc.)
- Permit required for:
  - Draining/dredging/filling
  - Construction/development
  - Farming, unless the farming has been happening since before October 1, 2013
- Determination required if there is uncertainty/dispute

Yep, still wetlands!

Photos by Michigan United Conservation Clubs

Wetland Requirements: USDA

You guessed it…wetlands!

- What's required to participate in programs:
  - ANY wetlands in tracts intended for annual crop farming – any size, any location
- Exemptions: Prior Converted Cropland, Farmed Wetlands
- Recognizes county/road drains
  - You can't farm it, but are not penalized for authorized drain work
- USDA performs determinations
- Landowners/renters must certify they will not drain, fill, remove vegetation, or farm areas determined as wetlands
  - Unless it's farmed wetland or planted to perennial crops

Photos by USDA

Resources to Help

USDA

- https://www.nrcs.usda.gov/sites/default/files/2022-10/Wetland%20Conservation-FactSheet%202.0_0.pdf

EGLE

- https://www.michigan.gov/egle/about/organization/water-resources/wetlands

Michigan Wetlands Map Viewer

- CANNOT be used for regulatory decisions, but gives you a good starting point for whether you might need a permit from EGLE: https://www.mcgi.state.mi.us/wetlands/#/map

Comparison between EGLE and USDA wetland requirements

- https://www.michigan.gov/documents/deq/WRD_WLSU_DEQ_NRCS_Wetlands_Programs_Comparison_550761_7.pdf

Wetland Mitigation to restore or replace wetlands

- EGLE: https://www.michigan.gov/egle/about/organization/water-resources/wetlands/mitigation
- USDA: https://www.nrcs.usda.gov/sites/default/files/2023-01/Wetland%20Mitigation%20FactSheet%20Final%20v2_0.pdf

Irrigation: Short and Sweet(ish)

- If you install surface or groundwater withdrawal with a capacity of >70 gallons/ minute (100,000 gallons per day), you MUST register that use BEFORE installation
- Most counties ALSO require a well permit from Health Department
- You must use a licensed well driller if you are withdrawing from groundwater supply
- You must annually report your water use to Michigan Department of Agriculture and Rural Development (MDARD)
- Irrigation best management practices can save water and money!

Photos by Michigan State University (top), Ohio State University (bottom)

Resources to Help

To register water withdrawals

- https://www.michigan.gov/egle/about/organization/geologic-resources-management/water-use/water-withdrawal-assessment-tool

To report annual agricultural water uses

- https://www.michigan.gov/mdard/environment/maeap/wateruse

Irrigation best management practices (nonregulatory)

- https://www.michigan.gov/mdard/-/media/Project/Websites/mdard/documents/environment/rtf/2026-GAAMPs/2026-Irrigation-Water-Use-GAAMPS.pdf?rev=060edd018600451d8ba1deed06535362&hash=8FD0923C64A9E242B258D9B1590C65A4

Everybody Poops! Livestock Management

- EVERYone in Michigan must follow water quality requirements
- Permits for livestock mostly depends on how many animals on one site:

2500 swine (>55 pounds)	500 horses
10,000 sheep	55,000 turkeys
30,000 chickens with liquid manure system	82,000 laying hens with dry manure system
125,000 broilers with dry manure system	30,000 ducks with dry manure system
700 dairy cows	1000 beef cows

Photo by Lower Michigan Livestock and Goods

What if I Don’t Have That Many Animals?

- You may still be required to get a permit if your farm has a history of discharges
- Permit requires:
  - Comprehensive Nutrient Management Plan that shows where all manure and waste goes
  - Annual reporting
  - Application limits: buffers or setbacks from water, amount of nutrients that can be applied
  - Properly constructed storage with no dry weather discharge
  - Management of all wastewater (silage runoff, milkhouse waste, washwater, etc.)
  - Subsurface application of manure
  - Limits on frozen ground application

Photo by Clean Lakes Alliance

Minimizing Risk for Smaller Farms

- Generally Accepted Agricultural and Management Practices (GAAMPs)!
- Offers non-regulatory guidance to reduce risk of nuisances, water and air quality violations
- Updated annually to follow changes in technology and university research

- Managing manure in GAAMPs:
  - Avoid steep slopes
  - Setbacks from surface waters, wellheads
  - Sample soil and manure nutrients to calculate application rate for crop growth
  - Have a plan for manure storage and removal to prevent runoff or leaching
  - Keep livestock out of waterways except for controlled crossings
  - Incorporate manure if possible
  - Apply in spring if possible

Photo by Michigan State University

Resources to Help

EGLE CAFO Permit Regulations

- https://www.michigan.gov/egle/about/organization/water-resources/cafo

GAAMPs: non-regulatory farm guidance

- https://www.michigan.gov/mdard/environment/rtf/gaamps

Michigan State University Extension manure education

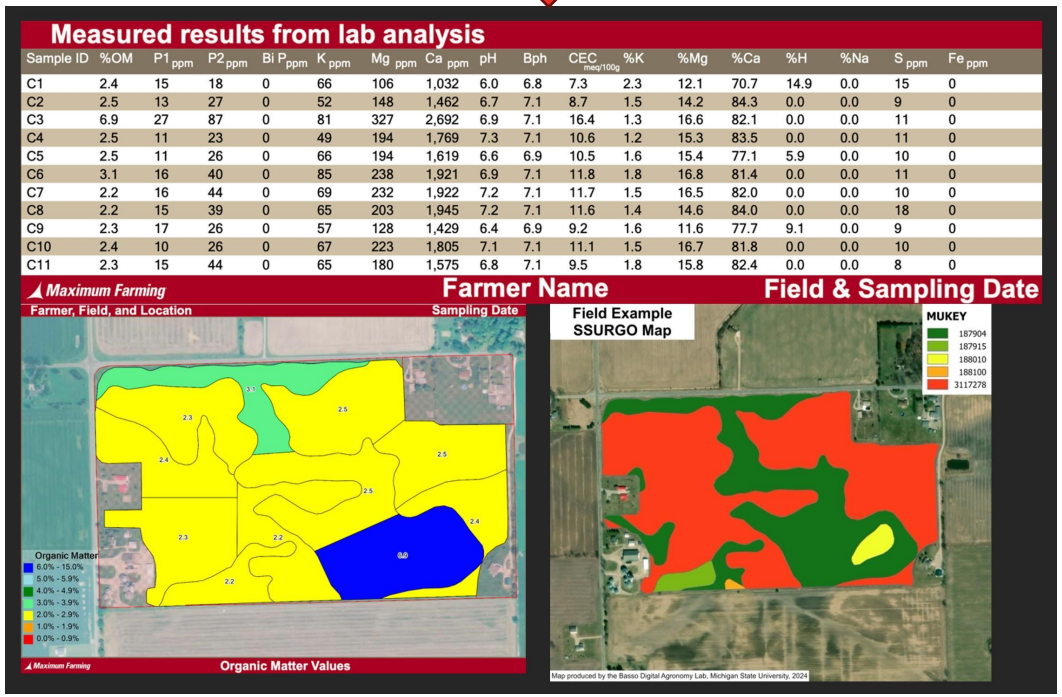
- https://www.canr.msu.edu/resources/manure-management

Michigan Manure Hauler Certification Program voluntary management for farmers and custom haulers

- https://www.canr.msu.edu/animal-agriculture/Manure-Hauler-Training/

Bringing it All Together

- Farming is complex and there are a lot of regulations and requirements
- It's better (and less expensive) to ask before starting work
- There are resources to help!
  - Michigan State University
  - EGLE
  - MDARD
  - Michigan and County Farm Bureaus
  - Conservation Districts and USDA



Images by Holland Sentinel (top) and Michigan State University (bottom)

Thank you! Questions?

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