An Update on Issues Affecting Future Poultry Production on Delmarva

Kenny Bounds
MidAtlantic Farm Credit

MidAtlantic Farm Credit

Over $1.7 billion in loans outstanding to more than 10,300 members
14 branch offices for your convenience
As a cooperative, we put our profits in your pockets! In 2005 we distributed more than $27.9 million back to our members!

Farm Credit Horizons Project

Farm Credit HORIZONS is a forward-looking planning initiative that will help the Farm Credit System meet the changing needs of U.S. agriculture and rural America.

We many need your support in Congress!

Financing agriculture from Field to Fork!

MidAtlantic Farm Credit

Kenny Bounds
MidAtlantic Farm Credit
Government Affairs Officer
Delmarva Poultry Industry, Inc.
Past President
LEAD Maryland Foundation, Inc.
President

Poultry Dominates Agriculture on Delmarva

- Poultry is the largest segment of agriculture in Delaware, Maryland, & Virginia
- 33% of Maryland cash farm income
- 71% of Delaware cash farm income
- 20% of Virginia cash farm income
What is at stake?

- $141 million in company and grower capital improvements last year
- Scores of businesses and hundreds of workers who build and equip chicken houses and poultry company facilities
- 571 million birds grown on Delmarva last year valued at $1.7 billion
- Nearly 2,000 farm families with 5,400 chicken houses and $168 million in grower income
- 14,000 jobs with a $365 million payroll

Challenges for Delmarva

Number One Issue

Urban Encroachment and Neighbor Relations

Sights, sounds, smells

Nuisance complaints

Lawsuits

Human Population Growth (1990-2000) in Key US Poultry Counties

DMV Neighbor Relations Trends

- Increasing number of nuisance complaints and more stringent zoning ordinance
- ~ 40% complaints are dust/feathers, 40% odor & 20% visual, noise, etc.
- Direction/location of tunnel ventilation a major issue.
- New proactive industry neighbor policy with bmp’s (includes VEB)

Urban Encroachment/Neighbor Relations

“As someone who now has a CAFO poultry operation 300 feet from our property, we can tell you first hand that 300 feet is not acceptable to neighbors of poultry growers”

Charles E. and Betty Schelts
Queen Anne Record Observer

Urban Encroachment/Neighbor Relations

“Perhaps the Queen Anne’s County Commissioners, poultry grower mortgage lenders and the chicken integrators themselves would like to put their money where their mouth is and purchase our now worthless property.”

Charles E. and Betty Schelts
Queen Anne Record Observer
Urban Encroachment/Neighbor Relations

Where are we today on the Kunes Farm?
- Neighbors closest now have better relations than those somewhat further away
- Noise, traffic and other complaints from others
- Owners just now investigating vegetative buffers

Humane Society of the United States

• Detractors show up to forward their own agenda
• They spend thousands of dollars spreading misinformation, trying to scare neighbors and affect the outcome of cases
• Increasingly, places where urban and rural interests interface are conflict zones

Humane Society of the United States

Showed up in Delaware this year to advocate the passage of a hog crate bill. Have been in Maryland for several years trying, unsuccessfully, to pass a similar bill

"These farm animals—suffer immensely when profit outweighs their well-being"

Humane Society of the United States

Study Has Many Clucking about Elevated Levels of Arsenic Found in Chicken
Make National Chicken Month for the Birds
Animal Abuse in Chicken Slaughterhouse Should be Prosecuted as Felony
Raising a Stink: Maryland Neighbors Fight to Stop a New Chicken Factory Farm

Headlines from HSUS website

Georgia Case

• Bud Malone was recently called as an expert witness on a case in Georgia
• Grower had put in pads 200’ from property line. No county zoning ordinances to.
• Neighbor sued. Court ordered 300’ setbacks and 1100’ restriction on distance of poultry houses or waste structures from a dwelling
Georgia Case

- Court also ordered vegetative buffers be installed
- Grower lost ability to build one of the poultry houses and the cost of the pad
- GA has 3 other nuisance cases now
- In an area where there is not a heavy poultry presence now

Industry Issues Trends & Trees

- Tunnel, solid wall houses, larger farms & expansion
- Rural encroachment conflict/zoning
- Emissions

Challenges for Delmarva

**DPI Best Management Practices for Good Neighbor Relations**

Voluntary practices offered in lieu of government intervention to improve relationships among poultry growers and their neighbors.

Challenges for Delmarva

**DPI Best Management Practices for Good Neighbor Relations**

- House location
- Manure handling
- Carcass disposal
- Vegetative buffers
- Odor prevention and control
- Contact with neighbors

DPI Best Management Practices

**DPI Best Management Practices for Good Neighbor Relations**

**Site Selection**

- Minimum of 10 acres
- Configuration on the site
  - Tunnel fan location
  - Prevailing winds
  - Odor, dust, feathers
  - Distance & sight line to dwellings

**Site selection**

- Even though we were here first, that does not always count
- Forecast future development
- Minimize inconveniences to neighbors
DPI Best Management Practices

**Site Selection**

Location of roads and lanes:
- Public safety, traffic
- Noise, sights
- Feed and chick delivery
- Live haul

Penn State has a program to meet with a producer and do a site evaluation prior to construction. Our companies fill this role. It has become a critically important function.

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**Setbacks**

“To create consistency among Delmarva’s counties, the following standards are endorsed by Delmarva’s poultry industry. These minimum standards in some counties may be less than what now is in effect. In those situations, we do not propose to loosen the existing standards.”

“Existing setbacks for existing chicken houses will be extended to new chicken houses on existing poultry farms to allow consistency on the property and to avoid economic hardship for growers wishing to expand their operations.”

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**Setbacks**

What is legal vs. what is practical

At a minimum:
- 200 ft from dwelling
- 200 ft - center of road
- 60 ft side property line
- 75 ft from rear line

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**Vegetative Buffers**

Goal is to have all farms screened where screening is practical and affordable

DPI received a federal grant to hire a specialist in vegetative buffers and is now taking applications.
Vegetative Buffers
Goal is to reduce the movement of poultry house dust, feathers, odors, and gases to neighboring properties; to reduce ammonia and carbon dioxide dispersions from chicken farms by capturing emissions in vegetation; and to reduce soil nutrients by absorption by plants’ roots.

Neighbor Relations
Benefits
- Creates positive image
- Landscape appearance & increase property value
- Blocks view of houses, waste facilities and routine farm activities
- Out-of-Sight-Out-of Mind!!
- Attractive farms have less Odor (Mikesell, et. al., 2001)
- Reduces odor, dust, feathers, noise, etc.

Environmental Benefits
- Reduce ammonia
- Reduce runoff
- Reduce groundwater nitrates
- Convert CO₂ to O₂
- Low cost program to partially address future air quality & emissions challenges

DPI Best Management Practices
Vegetative Buffers
- Part of the design and layout of new houses, not an afterthought
- Specifically selected trees and shrubs, planted in appropriate locations, can eliminate or reduce neighbor complaints about chicken operations

DPI Best Management Practices
Vegetative Buffers
- Cost share available from Soil Conservation offices
- Select trees that are farm specific and house orientation appropriate
- Maintain the buffers once they are established

DPI Best Management Practices
Vegetative Buffers
NRCS has CanVis software to simulate what the buffer will look like
Use simulation software to acknowledge that you have a plan, that you care how your property looks and how it will impact others
NRCS CanVis Software

Poultry Farm Site
Houses + 1 Yr Trees
Houses + 5 Yr Trees
Houses + 10 Yr Trees

Design VEB For Each Side of Each Farm

South
North
East
West

Bayside Americana:

2900 New Homes + Golf Course

2 Tunnel Ventilated Poultry Houses

Removal of old Poultry Houses
Installation of Berm or Small Hills
Landscaped Visual Barrier
DPI Best Management Practices

**Odor Control**
- Meet company animal welfare guidelines
- Use odor control products
- Litter moisture management
- Carcass handling – proper disposal
  - Use approved methods
  - Do not bury or throw in woods

**Manure Management**
- Comply with nutrient management laws
- Cover all manure/store in a shed if possible
- Schedule land application when it least affects neighbors if possible
- Be careful where you stockpile
- Avoid ditches, streams, close proximity to roads, neighbors
- Keep manure off the road – creates a bad image and spreads disease

**Animal Waste Management Plan**
- Nutrient Management Training & Certification
- Manure Storage Structure
- Composter
- Enrolled in CREP Tree Planting

**Reach Out to Neighbors**
- Give neighbors a heads up
  - Introduce yourself
  - Let them know of changes coming, manure spreading, etc.
- Operate a well cared for farm
- Maintain the farm as if you were the next door neighbor
- Be generous and offer help in times of need

**Land Use/Loss of Farmland**
- Zoning issues
  - Setbacks, Reverse setbacks
  - Down-zoning
  - TDR, PDR & other creative ways to preserve land but maintain farmer equity
  - Receiving and sending areas
  - Right to Farm laws
  - Proactive meetings with elected officials, planning and zoning staff

**Rural Amenities and Open Space**
- If we want to have a rural component to our counties and enjoy the amenities provided by open space and rural living, it is important to plan for agriculture in our comprehensive plans and consider the impact of regulations before enacting change.
Rural Amenities and Open Space

A well-conceived plan finds effective ways for those from urban/suburban areas to interface with the farming community while understanding and respecting each others needs.

Zoning Issues

Elected officials are often turning to zoning tools to control growth and attempt to manage how and where urban sprawl interfaces with agriculture

Zoning issues are contentious and divisive. At times, agricultural interests are in opposition to one another on these issues.

Zoning Issues

Downzoning — from Michaels etal study

“Restricts the development of agricultural land by increasing the number of acres required for each housing unit”

“Has the potential to protect working landscapes from encroaching development”

“Concerns that downzoning could cause serious harm to rural landowners through reduction in property values”

Zoning Issues

Michaels etal reviewed the findings of two recent studies on the effects of downzoning

• Maryland Center for AgroEcology sponsored the Maryland study

• New Jersey Farm Bureau sponsored the New Jersey study

“Panel found serious errors in the research methodology of both reports”

Zoning Issues

In Delaware, this issue has caused a serious rift in the relationship between the farm community and the current administration

• Farm Bureau opposed HB 280 – a sprawl prevention bill and SB 344 – a bill addressing transferable development rights

• Neither bill made it to a floor vote this past session

Zoning Issues

• In Talbot County, Maryland respected farm interests were divided over a review of the county comprehensive plan

• One side favored downzoning in order to limit growth and urban encroachment

• The other side opposed downzoning to protect farmer equity and property rights
Zoning Issues

Accomack County Virginia
• proposed a change allowing 1 lot per every 10 acres instead of the then existing 30,000 sq ft per lot
• huge public turnout at a public meeting
• compromise reached on 1 lot per 5 acres

Zoning Issues

Somerset County Maryland
• took an innovative approach and required “reverse setbacks”
The new approach protects current landowners from encroachment of new uses by requiring sufficient separation to minimize conflicts

The Good News

• Environmental groups, many of which were former adversaries, now see merit in working cooperatively
• Chesapeake Bay Foundation testified at public meetings, legislative bill hearings and other venues in support of agriculture
• Agriculture needs to keep and enhance the trust that has been earned…do even more to be good neighbors and stewards

New Found Friends

"Given a choice between an acre of farmland and an acre of residential development, the best thing for the bay is farmland, without a doubt"
Kim Coble
Maryland Executive Director
Chesapeake Bay Foundation

LEAD Maryland

Developing our future Ag Leaders
20-25 fellows in a class
• 8 - 3 day seminars over two years
• a 4 day Washington DC study tour
• 12-14 day international trip – Netherlands, Cuba, Brazil, China thus far
• Class V applications for LEAD Maryland are due by Oct 1st

LEAD Maryland

Developing our future Ag Leaders
The purpose of the LEAD Maryland Foundation is to provide men and women interested in the future of Maryland agriculture with opportunities to:
• Expand their leadership abilities,
• Develop an active network of resourceful, diverse and highly motivated people,
• Increase their understanding of critical public issues and
• Enhance their knowledge of technological practices, marketing strategies and environmental concerns.
LEAD Delaware

Beginning February 2007

Developing our future Ag Leaders

Thanks to the University of Delaware and the Delaware Department of Agriculture, the LEAD Delaware program is now accepting applications for the first class of LEADelaware

Contact Ed Kee or Kenny Bounds

Maryland Proactive Measures

With development moving into rural areas, conflicts between farming and non-farming neighbors have increased. These disputes occasionally end up in court or before local land use decision-makers.

MDA News Release

Maryland Proactive Measures

A new Executive Order creating the Governor's Intergovernmental Commission for Agriculture formalizes a positive effort led by the Maryland Department of Agriculture to bring local officials, planning agencies, and farming interests together to address issues of concern.

MDA News Release

Maryland Proactive Measures

Maryland Ag Commission – Governor's Agricultural Forum

30 policy recommendations grouped into three overarching issue areas: enhancing profitability, ensuring an adequate base of well-managed agricultural land, and advancing research, education and the advocacy of agriculture.

MDA News Release

Maryland Proactive Measures

Farm Sense – Ag Mediation

• A voluntary, non-adversarial, process in which a third neutral party (the mediator) meets with...

• ...two or more parties who have a conflict, to...

• ...facilitate discussion, and...

• ...assist the parties in reaching a mutual resolution of their differences.

Nuisance Actions – Elmore bill

H.B. 396 – Agricultural Operations Nuisance Actions

• enhances state and county Right to Farm laws

• mandates use of a local ag reconciliation board before a civil suit can be taken into court.

• if a county does not have a local reconciliation board, the case must be taken to the State Ag Mediation Program at MDA
Nuisance Actions – Elmore bill

- The bill remedies the situation that occurred last year in Wicomico County where the attorney for a plaintiff ignored the local Right to Farm ordinance and went straight to court.
- The farmer spent thousands of dollars defending himself before the judge threw the case out for skipping the local mediation process outlined in the local ordinance.

Credits

Josh Thompson – Center for the Inland Bays
Dan Cunningham – University of GA
Bill Satterfield – DPI
Bud Malone – University of DE
Michael – Palmquist - Parsons
Downzoning and Rural Land Markets report – July 2006