

[Hidden Creek Farm](#)

[May 16 at 1:27 PM](#) ·

Dear friends, family, customers and small farm supporters,

We wanted to give you all an update on the difficult situation we have been dealing with since last Tuesday...

As you know, Lee and I have put our heart and soul into Hidden Creek Farm. Owning a farm that would serve a community with healthy food and practices had been a dream of ours long before we bought the property in Dalton township. While Lee was working his full time job, I diligently started my research in 2013, and spent many hours gathering the information on running a successful farm.

Once we acquired our property at 1230 West River Road, we started the process of becoming environmentally verified through the Michigan Department of Agriculture and Rural Development's MAEAP program. MAEAP (Michigan Agriculture Environmental Assurance Program) is a voluntary program through the state of Michigan. MAEAP verifies that we are in compliance with farming GAAMPS (Generally Accepted Agricultural and Management Practices) that apply to our farm. We successfully achieved MAEAP Verification in March 2017, after working toward this goal for approximately 2 years. According to the Preface of every GAAMP, "Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act."

We are now entering our 5th year of operations and have never had a complaint, nor have any of our animals run loose without restraint or left our property. At the beginning of the week I received a phone call from Dalton Township. Immediately the next morning I went to the township to hear what the problem was. I found out that a neighbor had filed a COMPLAINT about traffic on West River Road following our prior succulent sale. I also met with 3 township officials in a closed room. Shortly into this meeting I was told that I am not supposed to be operating a farm with animals under the township ordinances, and the upcoming succulent sale would be a safety hazard for the community of Dalton Township. I became overwhelmed and politely excused myself from the meeting at that point.

The next day (Wednesday) at 12:10 pm, I received a voicemail from a lawyer. However, I did not hear that voicemail until around 1:50 pm as I was doing chores. He left a short message that he was about to enter court at 2:00, and he hoped to see me there. I had not received any notices or paperwork at that point. I dropped everything and made it to court. I sat in a courtroom with handcuffed criminals for 2 hours until our case was heard. Mind you, I had no idea why I was even there. To my surprise, there were 2 lawyers. One representing the Township, and one representing our neighbor. Apparently the neighbor's lawyer went to the township, and shortly thereafter the township hired their own lawyer. The township filed a TRO (Temporary Restraining Order) for our upcoming mothers day succulent sale, and also planned to cancel all of our future events. One important fact to note: they are doing this with OUR tax money that we all pay in Dalton Township!

The 2nd lawyer was for the neighbor to the east, who has filed a lawsuit and wants us to shut down all operations at Hidden Creek Farm. They are also trying to sue us for \$75,000 in nuisance damages. Again, referring to GAAMPs, “Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.” They claim they have enjoyed a relatively peaceful residential lifestyle but within the last few years we (the Defendants) have changed the way they (the Plaintiffs) now live.

This is the same neighbor who came over on his tractor and helped us plow our field for planting. The piglets were in the exact same location under the shade trees bordering our property lines at that time. All it would have taken for us to move our pigs would have been a simple neighborly visit to let us know of any issues. But that never happened.

When it was my turn to speak, I was told I couldn’t represent myself and I had to find a lawyer in 1 day for the next court date which was scheduled for Friday. Mind you, it was about 5 pm when our court session ended. So, I was scrambling trying to find a lawyer to represent us. All calls made to lawyers went straight to office voicemails. The only person we were able to connect to was an emergency farmers aid hotline (Farm to Consumer Legal Defense Fund). We’ve been paying members of the FTCLDF for 5 years. This is exactly why we joined! We heard about the FTCLDF after a couple of other Michigan Right to Farm Cases. We arrived home sometime around 6:30 and someone was waiting in our driveway to serve us all the papers from both lawyers.

Thursday became an outpouring of support. A member of the Michigan Small Farm Council was able to connect us with a lawyer that was available and willing to represent us on Friday. The Farm-to-Consumer Legal Defense Fund agreed to retain this lawyer for us. Huge sigh of relief, for at least the Friday court date. We also had the state inspector over from MDARD who again checked out our property and were told we are in complete compliance with applicable GAAMPs. We brought his signed report with us on Friday.

In court Friday afternoon, the Judge honored the TRO in favor of the plaintiffs. We had to post our court ordered cancellation for the Mother’s Day succulent sale (that was to be held the next morning) publicly and on social media. This gave us a very short window of time to find a relocation spot that would be big enough to hold our customers. We want to thank Tony Barnes for helping us find the perfect location in such short notice.

On Wednesday, May 15, we attended the meeting of the Michigan Commission of Agriculture and Rural Development, to ask them to address language in the Farm Markets GAAMP that was used by the court in the decision against us. While the language in this GAAMP could not be addressed during that meeting, the Commissioners did pass a new resolution in support of small farmers being able to sell their farm products on their own land. Specifically, the resolution states that “...it is the position of the Commission that all farm products as defined by the Right to Farm Act grown on a farm may be sold by that farm from that farm’s location and that those activities conform with the Right to Farm Act and the Generally Accepted Agricultural and Management Practices.” We have another inspection on Monday, which we hope will find us compliant with all applicable GAAMPs, and able to continue on-farm sales of our products.

So, at this point, we are uncertain about what is to come. We are working on securing legal representation, hopefully with support from the FTCLDF. In the meantime, there is a fellow farmer that has created a “Food Freedom (front) - Join the Quest (back)” t-shirt fundraiser (\$25), with 50% of the proceeds going to the Michigan Small Farm Council to help with farm legal fees. Each t-shirt purchase comes with a free Food Freedom sticker (5” oval). PLEASE CLICK HERE TO PURCHASE YOUR T-SHIRT AND HELP SAVE ANOTHER SMALL FARM!
<https://www.loyaltees.clothing/food-freedom>

We encourage everyone to check out the Farm-to-Consumer Legal Defense Fund at <https://www.farmtoconsumer.org/>, and the Michigan Small Farm Council (free membership) at <http://www.michigansmallfarmcouncil.org/> Become members and/or donate if you are able and know that both of these organizations are there to support us if/when we find ourselves in situations like this. There is a very strong small farms network here in Michigan!

Hidden Creek Farm exists to serve our local community, and without your support we would not be going into our 5th year of farming. Please keep us in your thoughts as we maneuver through this difficult situation. We will post updates as we are able and would like to ask you to join us in our Quest for Food Freedom!

Sincerely Lee and Crystal @ Hidden Creek Farm