



American Mangalitsa Breeders Association
315 Mattison Reservoir Avenue
Branchville, NJ 07826

February 23, 2012

Mr. Rodney Stokes
Director, Michigan Department of
Natural Resources
Executive Office
PO Box 30028
Lansing, MI 48909

Mr. Stokes,

I am General Counsel to the American Mangalitsa Breeders Association, a national organization representing the interests of all breeders of the Mangalitsa breed of swine. The Mangalitsa is a purebred, heritage breed of domestic swine with a documented pedigree of sires and dams dating back over 150 years. Several of our members have invested their economic future in this breed within the great state of Michigan, where they play an important and innovative part of the agricultural economy.

It has recently come to our attention that your agency has passed a series of orders and subsequent clarifications that will impact the business interests, property rights, and due process rights of our members within your state.

We have grave concerns regarding your response to the Request for Declaratory Ruling in the Matter of Michigan Animal Farmers Association, Invasive Species Order Amendment No. 1 of 13 December 2011. We feel that a wholesale ban of swine exhibiting your phenotypic definition of "feral" incorrectly mischaracterizes the pedigreed heritage of our members' swine. We further feel that your phenotypic definition of "feral", because it clearly includes several characteristics of our fully domesticated breed, is far more broadly applicable than necessary in order to accomplish your legitimate wildlife management goals. As such, we contend that your ruling constitutes an arbitrary and capricious abuse of regulatory power.

We are particularly concerned with your subsequent clarification of the declaratory ruling, written in response to a query from the office of the Honorable Edward McBroom, dated February 8, 2012. In pertinent part, it states that any swine "exhibiting these characteristics are prohibited" will be destroyed without indemnification to our farmers. Because the original order was directed towards feral swine only, the order only came to the attention of our farmers after your agency chose to define "feral" by phenotypic characteristics. We contend that because our growers were not part of the public notice, comment and consultation phase of regulation, your ruling is procedurally defective. Destruction of our members' swine, with or without indemnification, is therefore a violation of their due process rights.

We ask that you either rescind these clarifications to the invasive species order, or issue further guidance that the commercially valuable Mangalitsa will be excluded from the ban on possession of feral pig within your state. We are willing and able to pursue judicial intervention in order to zealously advocate for the interests of our membership.

We are eager to seek a favorable resolution to this issue that both protects the property rights of our devoted members and satisfies your legitimate conservation efforts. We have access to a significant volume of genetic information on this rare and commercially valuable breed that may provide you with critical

assistance as you conduct your core function of conservation and environmental protection against truly feral swine. We are willing to explore sharing this data with your agency if we can adequately address the pressing issue of the due process and property rights of our membership.

Thank you for your time. The membership and I look forward to your prompt response.

Sincerely,

Jason Foscolo, Esq.
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American Mangalitsa Breeders Association
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