

**U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency**

**DRAFT ENVIRONMENTAL ASSESSMENT**



**Prepared By  
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***11/21/2021***

## COVER SHEET

<b>Proposed Action:</b>	The Farm Service Agency of the United States Department of Agriculture proposes to provide Farm Loan Program assistance to finance the construction of (6) 43' x 500' broiler houses, 40' x 80' litter stacking shed, 12' x 12' generator shed, water storage tank, (2) water wells, load out pad, utilities, and related infrastructure. The physical location of this proposal would take place approximately 2.5 miles southeast of DeQueen, AR. The legal description of the proposed location is Section 33, Township 08 south, Range 31 West in Sevier County Arkansas.
<b>Type of Document:</b>	This is a site-specific Environmental Assessment
<b>Lead Agency:</b>	United States Department of Agriculture (USDA) Farm Service Agency (FSA)
<b>Cooperating Agencies:</b>	None
<b>Further Information:</b>	Adam Kaufman, USDA, Farm Service Agency, 419 West Gaines Street, Monticello, AR 71655.
<b>Comments:</b>	<p>This Environmental Assessment (EA) was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR 799, as well as the NEPA of 1969, Public Law 91-140, 42 US Code 4321-4347, as amended.</p> <p>A Notice of Availability (NOA) of the Draft EA will be published on 10/21/2021 and 10/28/2021 with instructions for providing written comments. A copy of the Draft EA and related material will be made available as provided by the NOA at USDA, Farm Service Agency, 309 West Collin Raye Drive, De Queen, AR 71832. The Draft EA document itself will also be posted from 10/21/2021 thru 11/23/2021 the FSA State website at:  <a href="https://www.fsa.usda.gov/state-offices/Arkansas/index">https://www.fsa.usda.gov/state-offices/Arkansas/index</a></p> <p>Written comments regarding the Draft EA will be accepted thru 11/23/2021 at the following address.</p> <p>USDA, Farm Service Agency  419 West Gaines Street  Monticello, AR  71655</p>

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## ACRONYMS AND ABBREVIATIONS

ADEQ	Arkansas Department of Environmental
ANRC	Arkansas Natural Resource Commission
AR	Arkansas
ATV	All-terrain vehicle
BMP's	Best Management Practices
CAFO	Concentrated Animal Feeding Operation
CEQ	Council on Environmental Quality
CNMP	Comprehensive Nutrient Management Plan
CFR	Code of Federal Regulations
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FSA	Farm Service Agency
GHG	Green House Gases
GPM	Gallons per minute
HUC	Hydrologic unit code
IPaC	Information for Planning and Conservation
MA/NLAA	May Affect, Not Likely to Adversely Affect
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NLEB	Northern Long Eared Bat
NMP	Nutrient Management Plan
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination
NRCS	Natural Resources Conservation Service
SHPO	State Historic Preservation Officer
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Officers
TSP	Technical Service Provider
TMDL	Total Maximum Daily Load
WMA	Wildlife Management Area
U.S.	United States
USACE	U.S. Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

# 1. INTRODUCTION

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## 1.1 Background

- The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to provide assistance for the applicant to establish an integrated broiler facility on a 35 acre tract of land currently owned by the applicants. This proposed facility would have the capacity to house approximately 28,666 birds per house and 172,000 broilers per flock, at maximum capacity, which would meet FSA's definition of a large Confined Animal Feeding Operation (CAFO). Flock placement would be dependent on bird variety, needs of the integrator, supply and demand, and several other factors. A flock of broilers is typically kept on the farm for approximately 6-8 weeks. It is anticipated that the farm would receive approximately 4 to 6 flocks annually.
- Sevier County is not located in the Nutrient Surplus Area. Appendices A and B contain maps and photos of the proposed project area. A detailed description of the components of the proposed project, the project site and related surrounding area of potential effect is further described in Section 2.1 of this document.

## 1.2 Purpose and Need for the Proposed Action

The purpose of the proposed project/action is to implement USDA, Farm Service Agency programs, to make available economic opportunity to help rural America thrive, and to promote agriculture production that better nourishes Americans and help feed others throughout the world. FSA is tasked with this mission as provided for by the Food and Security Act of 1985 as amended, the Consolidated Farm and Rural Development Act as amended, and related implementing regulations found in 7 CFR Parts 762 and 764.

The need for the proposed action is to fulfill FSA's responsibility to provide access to credit, and to help improve the stability and strength of the agricultural economy, including to start, improve, expand, transition, market, and strengthen family farming and ranching operations, and to provide viable farming opportunities for family and beginning farmers and meet the needs of small and beginning farmers, women, and minorities. Specifically, in the case of this loan request, FSA's need is to respond to the applicant's request for funding to support the proposed action.

FSA Farm Loan Program Assistance is not available for commercial operations or facilities that are not family farms, or to those having the ability to qualify for commercial credit without the benefit of FSA assistance. The applicants have been determined to be a family farm as defined by 7 CFR 761.2. The proposed action would allow them the opportunity to establish their family farming operation and provide the economic stability to meet the needs of the family.

In addition, poultry integrators have a demand for new facilities such as these to provide an adequate supply for processing plants and keep them operating at an economically feasible capacity. Specialized livestock facilities such as those proposed, have a limited useful life as they become functionally obsolete as technology advances. Accordingly, a pipeline of new facilities is necessary to insure an adequate and economical supply of low cost protein food for the nation.

### **1.3 Decision To Be Made**

FSA's decision is whether to:

- Approve the applicant's loan request;
- Approve the request with additional mitigations; or
- Deny the loan request.

### **1.4 Regulatory Compliance**

This Environmental Assessment is prepared to satisfy the requirements of NEPA (Public Law 91-190, 42 United States Code 4321 et seq.); its implementing regulations (40 CFR 1500-1508); and FSA implementing regulations, *Environmental Quality and Related Environmental Concerns – Compliance with the National Environmental Policy Act* (7 CFR 799). The intent of NEPA is to protect, restore, and enhance the human environment through well informed Federal decisions. A variety of laws, regulations, and Executive Orders (EO) apply to actions undertaken by Federal agencies and form the basis of the analysis.

All fifty states have enacted right-to-farm laws that seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal farming operations exist, and who later use nuisance actions to attempt to stop those ongoing operations. The Right to Farm law for Arkansas (Ark. Code Ann. § 24101) protects farming operations from nuisance claims when farms were established prior to the use of the area surrounding the agricultural operation for nonagricultural activities and those farms employ methods or practices commonly or reasonably associated with agricultural production.

### **1.5 Public Involvement and Consultation**

Scoping is an early and open process to involve agencies, organizations, and the public in determining the issues to be addressed in the environmental document. Among other tasks, scoping determines important issues and eliminates issues determined not to be important; identifies other permits, surveys and consultations required with other agencies; and creates a schedule that allows adequate time to prepare and distribute the environmental document for public review and comment before a final decision is made. Scoping is a process that seeks opinions and consultation from the interested public, affected parties, and any agency with interests or legal jurisdiction.

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#### ***1.5.1 Internal Scoping***

USDA staff of various specialties have been consulted regarding the purpose and need, issues and impact topics appropriate for consideration for the proposed activity. A site visit and pedestrian review was completed by Cheryl Brooks, USDA, Farm Service Agency on 08/25/2021. Site visit notes and photographs are included in APPENDIX B.

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### ***1.5.2 External Scoping***

USDA FSA has completed research and the following tasks and efforts:

- Research of U.S. Fish and Wildlife Service (USFWS) - Information, Planning, and Conservation System (IPaC) about the project's potential to affect federally listed species as required by the Endangered Species Act of 1973. SEE APPENDIX D.
- Consultation with the State Historic Preservation Officer (SHPO) to ensure that compliance with the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met and that significant impacts to historic properties would not result from the project SEE APPENDIX E.
- Consultation with Tribal Historic Preservation Officers (THPO): Bob Komardley of the Apache Tribe of Oklahoma, Derek Hill of the Caddo Nation, Autumn L. Gorrell of the Chickasaw Nation, Lindsey Bilyeu of the Choctaw Nation of Oklahoma, Linda Langley of the Coushatta Tribe of Louisiana, Dr. Andrea Hunter of the Osage Nation, Everett Bandy of the Quapaw Tribe of Indians and Tonya Tipton of the Shawnee Tribe of Oklahoma, to ensure that compliance with the requirements of Section 106 of the NHPA are met and that significant impacts to historic properties would not result from the project. SEE APPENDIX E
- FSA staff completed Form FSA-858, "Determining if a Wetland May Be Present" to screen for wetland indicators where ground disturbance associated with project would take place SEE APPENDIX I.

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### ***1.5.3 Public Involvement***

The Draft EA and supporting documentation will be made available for public review and comment from 10/21/2021 to 11/23/2021 at USDA, Farm Service Agency, 309 West Collin Raye Drive, DeQueen, AR 71832. The Draft document itself will also be posted on the Arkansas FSA state website <https://www.fsa.usda.gov/state-offices/Arkansas/index> from 10/21/2021 to 11/23/2021. A notice of the availability of the draft EA will be published in the De Queen Bee on 10/21/2021 and 10/28/2021. Public notice instructed that written comments regarding this proposal should be submitted by mail to USDA, Farm Service Agency, Attn: Adam Kaufman, 419 West Gaines Street, Monticello, AR 71655 through 11/23/2021.

## **2. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

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### **2.1 Alternative A - Proposed Action**

The proposed action involves FSA providing a direct loan in conjunction with a commercial lender that would be used to establish a new (6) house broiler farm on a 183 acre tract of land in Sevier County. The 183 acre tract is located 2.5 miles southeast of De Queen, AR within Sections 32 and 33, Township 08 south, Range 31 West in Sevier County Arkansas. SEE APPENDIX A. This tract of land is located in the South Central Plains eco region of Arkansas. The proposed site is currently established in grasslands and utilized as cattle pasture. Slopes on this proposed site range from 8 to 15 percent. SEE APPENDIX I.

The applicants would enter into a contract with a poultry integrator, who would place flocks of broilers on the farm, where they would be grown to market size. The applicants, as growers, would be responsible for providing the equipment, utilities, and labor required to house and manage the flock including feeding, watering, brooding, waste disposal, maintaining the houses, and providing for animal welfare, sanitation, and biosecurity. The integrator would supply the chicks, feed, labor to deliver and remove the birds from the farm, veterinary services, and technical support to the grower.

There are no existing structures on the proposed site, which is currently used to graze beef cattle. The proposed site would be accessible from the south side of the 183 tract from Dead Oak Run, a gravel road.

The proposed site is surrounded by pasture ground, timber, rural residences, and integrated poultry operations in all directions. The nearest neighboring dwellings in relation to the proposal are approximately .5 miles to the south and .55 miles to the east of this proposed broiler houses. There are several residences along the county roads to the north, south, east and west of this proposal. SEE APPENDIX A-6. The nearest church is Mount Pleasant Church, which is located 1.24 miles southeast of the proposed site. SEE APPENDIX A-7. DeQueen schools are located 3.44 miles northwest of the proposed site. SEE APPENDIX A-5. Agriculture has a strong presence in this area. There are several integrated poultry operations, and cattle and hay operations in this area. According to the Sevier County Conservation District 120 poultry farms registered for the 2020 production year. According to NASS, Sevier county had 35,000 head of cattle, including calves as of January 2021. SEE APPENDIX K-2.

Improvements for this proposed broiler operation would consist of (6) 43' x 500' broiler houses that would be running east and west and would be stacked north to south. SEE APPENDIX C-1. These structures would be built on top of earthen pads. The dimensions of the pads with dimensions slightly larger than the dimensions of the houses themselves. Each house would have the potential to typically accommodate approximately 28,666 birds at maximum capacity, which would equate to 172,000 birds per flock. A load out pad to be leveled and graded, which be built to the east of the (6) proposed broiler houses. The load out pad would be approximately 100' wide east to west and extend the north and south on the west side of the proposed houses. The load out pad would extend the length of the poultry houses and would allow live haul, feed trucks, and other traffic to turn safely while entering and exiting this proposed facility. A 40' x 80' litter stacking shed would be utilized as the method of mortality disposal for this proposed operation. The shed would be placed in the southwest corner of this proposed poultry houses. Composting is considered a more eco-friendly method of mortality disposal, which is an ANRC approved method. A 12' x 12' generator shed would be placed in the very

center of the (6) proposed broiler houses. This generator shed would have a wood frame, metal roof and sides, sit on top of a concrete slab, and would house (2) 100 kW diesel generators which would be controlled by (2) 400 Amp transfer switches. The generators would serve as a backup power supply for this proposed broiler facility in the event of a power outage and utilize low sulfur diesel as a fuel source, stored in a 500 gallon above ground tank. Underground wiring in conduit would be ran from the generators and be plumbed into each poultry house.

Related infrastructure would include access roads in between the (6) broiler houses themselves, utility lines for water and electricity, and above ground storage tanks for propane to heat these facilities. The proposed facility would be accessed by way of an existing gravel road that runs north and south from the southern end of the 183 acre tract of land. The proposed layout of this facility would be located as specified on the attached site plan found in APPENDIX C-1. Electricity to proposed poultry house facilities would run from the existing service connection on the farm.

Water to the proposed broiler operation would be supplied by (2) wells, which would be drilled to an approximate depth of 250'. Underground plumbing would run from the wells to the proposed broiler facilities. The farm would have also have a 39,707gallon tank as an emergency water supply. This tank would be stored in the center of proposed operation. The proposed houses would utilize propane as a heat source, stored in 1000 gal above ground storage tanks placed in between each house.

According to the SWPPP developed by Frank Walker, this proposal would involve 11.2 acres of ground disturbance. The proposed site is currently established predominantly in pasture ground with mixed Bermuda and other warm season grasses, and other native vegetation. It would be necessary to remove 20 trees to implement this proposal consisting of pine, cedar, and various oak species.

Any vegetation that would be removed would be piled along the southern border of the 11.2 acre site and used as a brush dam that would help catch sediment from leaving the proposed site. There would be additional leveling in the proposed load out area, which would be covered with gravel. The access road would require minimal grading and leveling as there is already a partial access road in existence. The load out area, roads in between the proposed houses, and the access road to the proposed site, would all be covered with gravel. Trenches for the proposed water and underground electric lines would be dug with a ditch witch to an approximate depth of 3.5' deep.

There are no connected actions associated with this proposal at this time, however it would be possible to expand this operation in the future if the applicants were presented the opportunity to do so. Any future expansion financed with FSA funds would require a subsequent environmental review that meets the requirements of 1-EQ (revision 3).

## **2.2 Alternative B - No Action Alternative**

The No Action Alternative means the loan would not be made and the farm described in Section 2.1 above (Proposed Action) would not be built. The applicants would continue to utilize this 11.2 acre as grazing for their beef cattle operation with no impacts as the proposed action would not go forward.

## **2.3 Alternative C**

An alternative location would not be feasible, as the proposed project would take place on property the applicants have owned since 2008. Property values have increased considerably since the applicants

purchased this land. In addition, the applicants live on the 183 tract which serves as the farming headquarters for their existing cattle operation. Integrators typically require a farm manager to live on or in close proximity to the farm.

The proposed project was designed to require the least amount of ground disturbance possible while taking the surrounding environment into consideration and maximizing the remaining amount of land available to graze their cattle. The proposal as planned would take place in the southeastern corner of the 183 acre tract. The poultry houses would need to lie 150' west of the eastern property boundary and 125' north of the southern property boundary to comply with integrator setbacks requirements. Moving the proposed operation farther to the south, or the east would not be an option. Moving the proposal further west would put the western ends of the proposed houses on, or near the existing access road, which would require a new access road and additional ground disturbance. Moving the proposal farther north, or to another location on the 183 acre tract would require additional tree removal and more ground disturbance.

The proposed site configuration was designed to create the least amount of ground disturbance and vegetation removal, therefore having the smallest impact on the environment and its surroundings during the construction phase of the proposal while maximizing the amount of productive grazing land that would remain. Alternative configurations were not considered due to the possibility of having a greater impact on the affected environment. Integrated poultry producers must comply with very specific logistical and design requirements provided by the integrators.

## **2.4 Alternatives Considered but Eliminated From Analysis**

Other locations for the farm or other uses for the land in question are not considered here because such options do not meet the purpose and need for the proposed action. The applicant has applied for FSA-direct-participation and guaranteed loans to fund the construction of a new large CAFO. FSA's decision to be made is to approve the loan for the proposed farm as designed, to deny the loan, or to approve the loan with additional mitigations, practices or methods that would be needed to minimize or eliminate impacts to protected resources.

Similarly, alternative designs of farm components are not considered as the producer's agreement with a poultry integrator requires adherence to the integrator's construction and equipment specifications, which are in place to ensure consistency, maximize production, and reduce loss. Design alternatives that would involve modification of features and infrastructure put in place by an integrator would jeopardize the availability of bird placement, be grounds for a potential loss of the contract with the integrator, and therefore the viability of the farm. Accordingly, this alternative would not warrant further consideration.

### 3. AFFECTED ENVIRONMENT AND IMPACTS

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The impacts to a number of protected resources, as defined in FSA Handbook 1-EQ (Revision 3) Environmental Quality Programs for State and County Offices, are considered in this EA. Some resources are eliminated from detailed analysis following CEQ regulations (40 CFR 1501.7), which state that the lead agency shall identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a significant effect on the human or natural environment. Resources that are not eliminated are carried forward for detailed analysis. The table below shows the resources that are eliminated from detailed analysis and those carried forward. Section 3.1 contains discussions of those resources eliminated from detailed analysis. Section 3.2 describes the existing conditions for resources carried forward for detailed analysis and the anticipated impacts to those resources resulting from the Proposed Action.

Resource	Eliminated	Carried Forward
Wildlife and Habitat		X
Cultural Resources		X
Coastal Barriers	X	
Coastal Zones	X	
Wilderness Areas	X	
Wild and Scenic Rivers, NRI	X	
National Natural Landmarks	X	
Sole Source Aquifers	X	
Floodplains	X	
Wetlands	X	
Soils	X	
Water Quality		X
Air Quality		X
Noise		X
Important Land Resources	X	
Socioeconomics and Environmental Justice	X	

#### 3.1 Resources Eliminated from Detailed Analysis

##### Coastal Barrier Resources System

Coastal barriers are eliminated from detailed analysis as there are no designated Coastal Barriers in Arkansas.

##### Coastal Zone Management Areas

Coastal Zone Management Areas are eliminated from detailed analysis because there are no Coastal Zone Management Areas in Arkansas.

## **Wild and Scenic Rivers/NRI**

Wild and Scenic Rivers/NRI were eliminated from detailed analysis in this EA. The nearest wild and scenic river in relation to the proposed project is the Cossatot River, which also has a Nationwide Rivers Inventory (NRI) designation. The wild and scenic segment of the river is 24 miles northeast of this proposal SEE APPENDIX G-1. The NRI segment is 19 miles to the northeast at Gillham Lake. SEE APPENDIX G-2.

## **National Natural Landmarks**

There are five National Natural Landmarks in Arkansas. SEE APPENDIX H-1. The site of the Proposed Action is not located in close proximity to any of these nor would the proposal threaten to alter or impair them. The closest NNL in proximity to this proposal is McCurtain County Wilderness Area in Oklahoma located 32.2 miles northwest of the proposed site, therefore National Natural Landmarks are eliminated from detailed analysis. SEE APPENDIX H-2

## **Sole Source Aquifers**

Sole source aquifers are eliminated from detailed analysis because there are no sole source aquifers in Arkansas.

## **Floodplains**

Floodplains were eliminated from further detailed analysis. According to FEMA's National Flood Hazard Layer, Panel 050463 0003 A indicates that the proposed project would not be located within a flood plain. SEE APPENDIX J-1.

## **Wetlands**

Wetlands have been eliminated from further detailed analysis. According to FSA Form-858 "Determining if a Wetland May Be Present," wetland indicators were not present on the 11.2 acre site where the proposal would be located, therefore no additional screening is necessary. SEE APPENDIX I-1.

## **Soils**

Soils are eliminated from detailed analysis because no land on this farm would not be cropped and is therefore not subject to the Highly Erodible Land provisions of the Food Security Act. Furthermore, there would be no annual tillage of the soil associated with this proposed project. The applicants have both signed AD-1026 "Highly Erodible Land Conservation and Wetland Conservation Certification." SEE APPENDIX I.

## **Wilderness Areas**

There are 12 designated Wilderness areas in Arkansas. The closest Wilderness Area would be Caney Wilderness Area, which is located 33.5 miles northeast of this proposed project. SEE APPENDIX F-1. This proposal should have no effect on Caney Creek Wilderness Area. The proposal would be located approximately 9 miles north of land owned by US Fish and Wildlife, which is part of Pond Creek Bottoms National Wildlife Refuge. This proposal should have no impacts on wilderness areas or federal lands.

## Important Land Resources

Prime and unique farmland, forestland and rangeland resources are eliminated from detailed analysis because the proposed action would not result in prime and/or important farmland being converted to a nonagricultural use.

## Socioeconomics and Environmental Justice

No impact to population, housing, income, or employment in the region are anticipated to result from the Proposed Action, nor are disproportionate adverse impacts to minority or low income populations anticipated. Therefore, socioeconomics and environmental justice are not carried forward for detailed analysis. SEE APPENDIX K for demographic information in Sevier County.

## 3.2 Resources Considered with Detailed Analysis

This section describes the environment that would be affected by implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Under the no action alternative, the proposed action would not be implemented. The no action alternative would result in the continuation of the current land and resource uses in the project area. This alternative will not be evaluated further in this EA.

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### 3.2.1 Wildlife and Habitat

#### Existing Conditions

The proposed 11.2 acre project site is currently established in pasture ground with Bermuda grass, other warm season grasses, and native forbs. It would be necessary to remove 20 cedar, pine, and mixed oak trees. The proposed site is currently utilized to graze beef cattle owned by the applicants. This area was established in mixed timber in 2001, then cleared and converted into pasture ground shortly afterwards. The proposed site would be virtually surrounded by timber in all directions. Wildlife typical of such areas include whitetail deer, squirrels, raccoons, feral pigs, various other mammals, and birds. A site visit was conducted by FSA on 08/25/2021. SEE APPENDIX B-1 for site visit notes and photographs.

An official list of threatened and endangered species and designated critical habitat for this area of Sevier County was obtained from the US Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system. SEE APPENDIX D-1. The following threatened and endangered species are known to occur in this area of Sevier County:

Northern Long-eared Bat (NLEB) *Myotis septentrionalis* (threatened), Eastern Black Rail *Laterallus jamaicensis* ssp. *jamaicensis* (threatened), Piping Plover *Charadrius melodus* (threatened), Red Knot *Calidris canutus rufa* (threatened), Winged Mapleleaf *Quadrula fragosa* (endangered), and the American Burying Beetle *Nicrophorus americanus* (threatened).

According to IPAC there are no critical habitats within the proposed project area under USFWS jurisdiction. SEE APPENDIX D-1.

The proposed project may affect the Northern Long-eared Bat. However, this project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's January 5, 2016, Intra-Service Programmatic Biological Opinion on the final 4(d) rule for the NLEB addressing "Activities Exempted from Take Prohibitions." The proposed site lacks suitable wetland and marshy habitats preferred by the Eastern Black Rail, Piping Plover, and the Red Knot, therefore the proposal would have no effect on these bird species. The proposed site is currently being maintained for pasture ground and is being actively grazed by cattle, therefore would not be suitable habitat for the American Burying Beetle. The project as planned would have no effect on this threatened insect species. SEE APPENDIX D-2. No proposed ground disturbing activities would take place in or near a stream. The SWPPP would implement best management practices and protective measures that would help in protecting water quality for the surrounding area therefore this proposal is not likely to adversely affect the winged maple leaf. SEE APPENDIX D-2.

No further consultation for this project is required for these species per USFWS. SEE APPENDIX D-2.

The Bald Eagle has been known to occur in this area, however the Bald Eagle is not covered by the Endangered Species Act. No Bald Eagles, or Bald Eagle nests were observed on this proposed site during the site visit. SEE APPENDIX B-1.

### **Impacts of Proposed Action**

According to the SWPPP, an estimated 11.2 acres of ground disturbance would occur would be necessary to implement this proposal. SEE APPENDIX C-1. Implementation of the proposal would result in a long term loss of 11.2 acres of grasslands used for cattle pasture and shade trees which currently contribute to wildlife habitat. The proposal would result in a long term loss of wildlife habitat that this 11.2 acres of vegetation provided. Based on the results from the USFWS Consultation, and BMP's that would be implemented for this proposal, no significant impacts to Wildlife and Habitat would be expected to result from the Proposed Action. No adverse impacts on migratory birds are anticipated as a result of this proposal. The primary nesting season for birds in Arkansas is April 1 through July 15.

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### ***3.2.2 Cultural Resources***

#### **Existing Conditions**

The Proposed Action involves some ground disturbing activities in areas not previously evaluated or previously disturbed to the depth required for the Proposed Action, therefore cultural resources require detailed analysis. This proposed 11.2 acre site has recently been utilized as pasture for a beef cattle operation. Historical aerial imagery suggests the proposed site was established in mixed timber in the year 2001, then clear cut prior to 2006 and then converted to pasture ground afterwards. SEE APPENDIX A-4. A site visit was conducted by USDA, Farm Service Agency on 08/25/2021. There are no existing improvements on the proposed site. The 183 acre tract of land has some perimeter and cross fencing, an access road, utilities, a 1400 square foot dwelling, a 40' x 50' pole shed, and water well. The nearest structure in relation to the proposal that are listed on the National Register of Historic Places is The De Queen and Eastern Railroad Machine Shop, which is located 2 miles to the northwest of this proposal. SEE APPENDIX E-2. This historic site would not be visible from the proposed site, therefore the proposal should have no effect on it.

FSA consulted with the Arkansas State Historic Preservation Office (SHPO), and Indian Tribes with an interest in Sevier County, including: Bob Komardley of the Apache Tribe of Oklahoma, Derek Hill of the Caddo Nation, Autumn L. Gorrell of the Chickasaw Nation, Lindsey Bilyeu of the Choctaw Nation of Oklahoma, Linda Langley of the Coushatta Tribe of Louisiana, Dr. Andrea Hunter of the Osage Nation, Everett Bandy of the Quapaw Tribe of Indians and Tonya Tipton of the Shawnee Tribe of Oklahoma. SEE APPENDIX E-1. Arkansas SHPO provided a response on 09/22/2021, which concurred with FSA's finding that no cultural resources or historic properties should be affected by the proposed undertaking. A response was received on 09/27/2021 from the Chickasaw Nation. Their response states the project is located within a mile of one of our Removal routes. We are presently unaware of any specific historic properties, including those of traditional, religious and cultural significance, within the project area. An email response was received from the Quapaw Nation on 09/23/2021, who's response indicates this project is not likely to adversely affect the properties of cultural or sacred significance. No other responses from Tribes with an interest in the area of Sevier County were received.

### **Impacts of Proposed Action**

Based on the proximity to The DeQueen and Eastern Railroad Machine Shop in relation to the Proposed Action, response from SHPO, responses from the Chickasaw and Quapaw Tribes, and lack of response from the additional Tribes listed above, FSA anticipates no impacts to known cultural resources would result from the Proposed Action. Impacts to previously unidentified historic properties, including archaeological and historic resources, could occur during land clearing and construction activities. If such resources were encountered during construction of this proposal, all activities would cease, FSA state and national office personnel would be notified, along with Arkansas SHPO and Tribes with an interest in this area. Any potential resources discovered would be professionally evaluated for eligibility for listing on the National Register of Historic Places.

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## 4. WATER QUALITY

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### Existing Conditions

In Arkansas, the Arkansas Department of Energy and Environment (ADEQ) has the authority to enforce provisions of the Clean Water Act that are protective of water quality and to issue permits that are protective of water quality standards. This authority is delegated to ADEQ by the Environmental Protection Agency. The ADEQ Water Division issues Stormwater National Pollutant Discharge Elimination System (NPDES) Permits to protect surface waters from contamination from runoff associated with construction. Coverage under General Permit AR1500000 is required for construction that causes ground disturbance in excess of 1 acre. Permit AR1500000 for small sites is for disturbance between 1 and 5 acres and requires operators to post required forms and documents, including a stormwater pollution prevention plan (SWPPP), on the site rather than coordinate directly with ADEQ. Permit AR 1500000 for large sites including disturbance in excess of 5 acres, required documents are submitted to ADEQ. SWPPPs are documents that describe construction activities to prevent stormwater contamination, control sedimentation and erosion, in order to prevent significant harm to surface waters and comply with the requirements of the Clean Water Act. ADEQ is also responsible for issuing Non-stormwater NPDES Permits issued to facilities that discharge water. Animal Feeding Operations and Confined Animal Feeding Operations that do not discharge into waters of the state do not require NPDES permits for ongoing operations. SEE ADEQ Reference

The Arkansas Natural Resource Commission (ANRC) Water Division is responsible for developing and implementing the Arkansas Water Plan, the state's policy for long-term water management, and for the State's Non-point Source Pollution Management Program. The Arkansas Water Plan describes each of the state's river basins. The ANRC Conservation Division supports development, management and conservation of the state's land and water resources, in part through nutrient management planning. A nutrient management plan (NMP) is a document approved by a conservation district board that assists landowners and operators in the proper management and utilization of nutrient sources for maximum soil fertility and protection of state waters. ANRC requires NMPs for farms that plan to land apply litter, sewage sludge, or commercial fertilizer within an area designated as the Nutrient Surplus Area (which includes parts of Baxter, Benton, Boone, Carrol, Crawford, Madison, Marion, Polk, Scott, Sebastian, and Washington Counties. For land application outside this area, usage of a nutrient management plan is voluntary. A NMP for this proposed broiler operation has not been developed, as NMP's are voluntary outside of the nutrient surplus area, however the applicants would have the option to have a plan developed, if they wish to do so.

The proposal is not located within a nutrient surplus area in Arkansas. SEE APPENDIX A-8. This proposal is located within the Bear Creek-Rolling Fork Watershed (HUC 12: 111401090203) SEE APPENDIX G-3. The Bear Creek-Rolling Fork watershed is located within the Red River basin, above Fulton. According to the Arkansas water plan this basin consists of nearly 1.5 million acres of gently rolling to mountainous areas across 6 counties in southwest Arkansas. Streams in this basin have an annual approximate average yield of 12.4 million acre feet. Land use in this basin is primarily established in forestland,

followed by grasslands. REFERENCE ARKANSAS WATER PLAN. According to ADEQ's 2016 Integrated Water Quality Monitoring Assessment Report, waters in this area have been designated as suitable for the propagation of fish, wildlife, primary and secondary contact recreation, public, industrial and agricultural water supplies and contain Ecologically Sensitive Waterbodies. Overall, the water quality is good in the basin, although an 11.3 mile segment of Bear Creek is listed on the Draft List of Impaired Waterbodies 303(d) list for 2018. Bear Creek is located .9 miles northwest of this proposal and currently in non-attainment for pathogens from an Industrial source. Bear Creek has shown major improvements over the last several years and shown decreased nitrogen levels in the past decade. The Rolling Fork River Reach Code: 11140109013274 above De Queen lake historically has had elevated nutrient concentrations, which is believed to be from a wastewater treatment facility. The proposal would take place 18 miles southeast of where the Rolling Fork River flows into De Queen lake.

### **Impacts of Proposed Action**

The applicants have submitted the required paperwork to ADEQ and were granted coverage under Storm water NPDES General Permit AR1500000 SEE APPENDIX C-1 and C-2, although the permit is in the process of be recertified with ADEQ's Office of Water Quality. With adherence to the best management practices described in the SWPPP, minimal impacts to surface water from the proposed construction are anticipated. The proposed farm would not discharge into waters of the state and therefore no impacts to state surface waters are anticipated. Any land application of litter produced on the farm would need to comply with ANRC requirements in order to be protective of surface water quality. REFERENCE ANRC

The applicant's SWPPP was developed by Frank Walker. SEE APPENDIX C-1. There is an existing stabilized entrance into the proposed site. The SWPPP indicates that stormwater leaving the proposed side would flow to the east across existing vegetation that would act as a filter strip before entering an undisturbed wooded area with good cover. All existing vegetation surrounding the proposed site would act as a natural buffer. Sandbag barriers and straw waddles would be placed across drains, and hay bales, and rock barriers would also be strategically placed in areas with concentrated flow. All exposed soil would eventually be mulched and seeded with fescue for stabilization. A concrete washout area would be placed in the southwestern corner of the proposed site. This proposal would disturb more than 10 acres of land, therefore would require a sediment basin which would be place on the eastern end of the site. The sediment basin would run 750' north and south and be 50' wide and 1.5' deep and have 56,250 cubic feet of storage space.

The applicants would compost mortality on their proposed farm in the litter shed, which is an approved method by ANRC. The shed would lie in the southwest corner of this proposal.

Integrators typically require their growers to "cake out" in between flocks, which consist removing the top few inches of litter. Depending on integrator requirements and management practices utilized by the grower, a full house clean out is typically conducted annually, where all the litter is removed from the houses. The applicants would have the option to sell this litter and have it transported off site to another location. The applicants would be responsible for record keeping and adherence to the recommendations of a NMP if they choose to have one developed.

In summary, the applicants have submitted a SWPPP to ADEQ, and have obtained a NPDES permit thru ADEQ for proposed construction activities to take place, which would help protect surface and ground

water quality within this area and surrounding areas. The applicants would also have a litter shed to store litter and cake to keep it out of the elements. These proposed measures should be adequate to help prevent contamination of stormwater off site during the construction phase of this proposed farm.

No significant impacts to water quality are anticipated to result from the Proposed Action.

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## **5. Air Quality**

### **Existing Conditions**

As of February 1, 2018, all of Arkansas is in attainment for all criteria pollutants established by the Environmental Protection Agency in compliance with the Clean Air Act. The proposed farm would not be required to obtain an air permit in accordance with Arkansas Air Pollution Control Regulation 18.301 since air emissions for defined criteria pollutants at the facility do not exceed the permitting thresholds considered protective of air quality. Potential air quality effects considered here include odor and dust production, which may be associated with construction activities and the ongoing operations of the farm. SEE REFERENCES

The site of the Proposed Action lies in rural Sevier County where agriculture, including livestock feeding operations, are common. There are numerous cattle and hay operations in close proximity to this existing cattle farm, as well as integrated poultry farms in this vicinity. According to the Sevier County Conservation District 120 poultry farms registered for the 2020 production year. According to NASS, Sevier county had 35,000 head of cattle, including calves in 2021. SEE APPENDIX K-2. The proposed site is surrounded by pasture ground, timber, rural residences, and integrated poultry operations in all directions. The nearest neighboring dwellings in relation to the proposal are approximately .5 miles to the south and .55 miles to the east of this proposed broiler houses. There are several residences along the county roads to the north, south, east and west of this proposal. SEE APPENDIX A-6. The nearest church is Mount Pleasant Church, which is located 1.24 miles southeast of the proposed site. SEE APPENDIX A-7. DeQueen schools are located 3.44 miles northwest of the proposed site. SEE APPENDIX A-5. The proposed poultry houses would be completely surrounded by timber in all directions. SEE APPENDIX A-1. Trees surrounding this proposal would act as a natural buffer that would filter help filter out odors, dust, and other particulate matter emitted by the proposed poultry houses. The discharge fans on the proposed poultry houses would face towards the east.

Arkansas Water and Air Pollution Control Act, Subchapter 3 Air Pollution exempts "Agricultural operations in the growing or harvesting of crops and the raising of fowls or animals" and the "use of equipment in agricultural operations in the growth of crops or the raising of fowls or animals." There are no local ordinances regulating odor in this area.

### **Impacts of Proposed Action**

Construction activities that disturb the soil surface could generate dust. Such impacts would be minor, temporary and localized, generally confined to the farm property and ongoing only during construction activities. An existing, stabilized driveway would be utilized as the entrance and exit to the proposed construction site. Exposed soils could be wet down to control fugitive dust. Similarly, during construction, minor and localized emissions associated with heavy machinery could be expected. None

of these construction related impacts would have a significant or long-term adverse impact to surrounding air quality.

During operation of the farm, roads used by delivery trucks in between the proposed broiler houses would be covered with gravel to minimize dust associated with travel. Dust generated while the poultry facility is in operation would occur mostly during feeding. Humidity and misting systems inside poultry houses would keep down dust, within the barns.

Odor would be controlled through management of the poultry house's ventilation systems, as is required by integrators for flock health. The applicants would compost their mortality as described in earlier sections of the EA, which is an approved method of disposal by the Arkansas Poultry and Livestock Commission. Poultry litter on the proposed broiler operation would be stored in the (6) broiler houses which would keep it dry and reduce the impacts of odor emitted by the litter and would also have a litter shed to store litter from cleanouts and cake out's in between flocks.

The poultry houses would be cleaned per integrator specifications between flocks as appropriate on an as-needed basis. Litter would be stored in accordance with ANRC regulations, either in a litter shed or it would be tarped in an elevated location to be kept out of the elements until it could be removed from the farm and land applied as fertilizer.

Dilution of odors is caused through the mixing of odors with ambient air and is a function of distance, topography, and meteorological conditions. Prevailing winds are from the west and would serve to facilitate the dispersion of odors. Based on the climate of the southeastern United States, there would be a few days in the year when weather conditions and humidity may cause odor to linger in the vicinity.

According to the EPA, total GHG emissions in the US in 2014 were 6,870 million metric tons of carbon dioxide equivalent (CO<sub>2</sub>e), a metric measure used compare the emissions from various greenhouses gases based upon their global warming potential. Agriculture accounted for approximately 9 percent of the total or 625.4 million metric tons. The contribution of agriculture to GHG emissions is comprised of livestock (242.96 million metric tons CO<sub>2</sub>e), crops (330.68 million metric tons CO<sub>2</sub>e), and fuel combustion (51.79 million metric tons CO<sub>2</sub>e).

Agricultural activities contribute to GHG in several ways: Management of agricultural soils accounts for over half of agriculture emissions. Activities including fertilizer application, irrigation and tillage, can lead to production and emission of nitrous oxide. Livestock, particularly cattle, produce methane as part of their digestion accounting for almost one third of the agricultural emissions. Manure storage and management also contribute methane and nitrous oxide, accounting for about 14 percent of the agricultural GHG emissions. Smaller agricultural sources include methane produced by rice cultivation and the burning of crop residue, which produces methane and nitrous oxide. Odor impacts would not be expected to be significant.

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## **6. Noise**

### **Existing Conditions**

Existing noise at the site of the proposed action is from routine farming operations that currently take place on this 183 acre tract. Noise from neighboring residences and vehicle traffic is common along the numerous gravel county roads that surround the 183 acre tract. Existing conditions on site are generally quiet. The proposed site is currently used for grazing beef cattle. Noise from farm tractors and equipment, vehicle traffic, and other farming and human activity does exist, but is temporary in nature. This is not a very densely populated area. The proposed site is surrounded by pasture ground, timber, rural residences, and integrated poultry operations in all directions. The nearest neighboring dwellings in relation to the proposal are approximately .5 miles to the south and .55 miles to the east of this proposed broiler houses. There are several residences along the county roads to the north, south, east and west of this proposal. SEE APPENDIX A-6. The nearest church is Mount Pleasant Church, which is located 1.24 miles southeast of the proposed site. SEE APPENDIX A-7. DeQueen schools are located 3.44 miles northwest of the proposed site. SEE APPENDIX A-5. There are no non-farm businesses in close proximity to this proposed broiler farm.

### **Impacts of the Proposed Action**

The Proposed Action would establish a new, six house, integrated poultry operation. Noise levels would increase slightly during normal, daylight working hours during the construction phase of this project, which typically lasts about 6 months. Upon completion, noise from the Proposed Action would permanently increase noise levels in this area; however, noise from birds would be insignificant as they are contained within the poultry houses which are set back from property lines and further muffled by insulation in between the roofs, and ceilings and solid side walls within these structures and vegetative buffers and timber that surrounds the proposed site. These measures would also aid in mitigating periodic equipment usage and truck noise associated with the movement of birds, feed, supplies and materials. Such activities would rarely take place other than during daylight hours, be infrequent in nature, of brief duration and low intensity. Similarly noise from generators would be limited to a few minutes of periodic testing and they would only operate on a temporary basis in the event of emergencies should power be lost. As such noise would be of irregular and infrequent duration it would not be significant. Additionally, Arkansas's Right to Farm Law protects operation of farms that were established prior to the use of the area surrounding the agricultural operation for nonagricultural activities and those farms which employ methods or practices commonly or reasonably associated with agricultural production. As integrated poultry production is a mainstay of the state's economy the related production methods have long been the accepted prevailing practice for widespread production both in Arkansas and throughout the country. SEE ARKANSAS RIGHT TO FARM REFERENCE

The proposed action is not expected to significantly affect ambient noise levels in the area or the nearest dwelling.

## 7. CUMULATIVE IMPACTS

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The cumulative impacts analysis is important to understanding how multiple actions in a particular time and space (e.g., geographic area) impact the environment. The CEQ regulations define cumulative effects as “...the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR § 1508.7). Whereas the individual impact of one project in a particular area or region may not be considered significant, numerous projects in the same area or region may cumulatively result in significant impacts.

Cumulative impacts most likely arise when a relationship exists between a proposed action and other actions occurring in a similar location or time period. Actions overlapping with or in proximity to the proposed action would be expected to have more potential for a relationship than those more geographically separated. Similarly, actions that coincide in time, may have the potential for cumulative impacts.

Establishing an appropriate scope for cumulative impacts analysis is important for producing meaningful analysis that appropriately informs agency decision making. This involves identifying geographic or temporal boundaries within which to identify other activities that could contribute to cumulative impacts to resources. Boundaries should consider ecologically and geographically relevant boundaries which sustain resources of concern. Temporal boundaries will be dependent on the length of time the effects of the proposed action are estimated to last and analysis commensurate with the project’s impact on relevant past, present, and reasonably foreseeable activities within those boundaries. For example, small scale projects with minimal impacts of short duration would not likely contribute significantly to cumulative impacts. CEQ guidance (2005) reinforces this, stating:

*“The scope of the cumulative impact analysis is related to the magnitude of the environmental impacts of the proposed action. Proposed actions of limited scope typically do not require as comprehensive an assessment of cumulative impacts as proposed actions that have significant environmental impacts over a large area. Proposed actions that are typically finalized with a Finding of No Significant Impact usually involve only a limited cumulative impact assessment to confirm that the effects of the proposed action do not reach a point of significant environmental impacts”*

This cumulative impacts analysis focuses on the potentially affected resource (identified in section 3.2 of this document) and uses natural local boundaries to establish the geographic scope within which cumulative impacts could occur. Relevant past, present and reasonably foreseeable activities identified in Section 5.1 are based on potential geographic and temporal relationships with the proposed action within those identified boundaries. Cumulative effects on those resources are described in Section 4.2.

## **7.1 Past, Present and Reasonably Foreseeable Actions**

Analysis of cumulative analysis is forward looking and focuses on Randolph County where the proposed action would be implemented and the related area which includes the resources of concern. The purpose is to assess if the reasonably foreseeable effects of the proposed action would have an additive relationship to other past effects that would be significant, and to examine its relationship other actions (e.g. Federal, State, local, and private activities) that are currently taking place or are expected to take place in the reasonably foreseeable future.

Federal, State, local, and private activities that are currently taking place, have occurred in the past, or may reasonably be assumed to take place in the future in the cumulative effects area include the following: According to the 2017 Census of Agriculture, there were 540 farms in Sevier County and 142,256 acres devoted to farm ground. Pastureland accounts for 48% of the land use, Woodland accounts for 27%, Cropland accounts for 21%, and 4% of the land is for other land uses. SEE APPENDIX K-1.

According to the University of Arkansas Research and Extension Service, Agriculture A larger proportion of jobs in Sevier County were government and governmental enterprises (17%) and farming (8%) as compared to the state average in 2010. There were considerable missing data (45%) due to non-disclosure of confidential information. In Arkansas 29% of the jobs in are within the food products sector. SEE SEVIER COUNTY EXTENSION SERVICE REFERENCE.

Poultry integrators have a finite processing capacity and have a need for new facilities, such as the proposed project, as older facilities are routinely retired due to functional obsolescence or otherwise phased out of production. As there is no foreseeable expectation that integrators would be having a significant expansion in processing capacity in the area, the quantity of bird produced in the area would remain relatively stable, even if the number of farms fluctuates.

## **7.2 Cumulative Analysis**

Some resources considered for detailed analysis above (in Section 3.2) could be directly or indirectly affected by the Proposed Action and therefore the Proposed Action could contribute to additive or interactive cumulative effects to these resources. For other resources, no such contributions to cumulative effects are anticipated because no direct or indirect impacts would occur based on program requirements.

The significance of cumulative effects is dependent on how impacts compare with relevant thresholds, such as regulatory standards. Regulatory standards can restrict development by establishing thresholds of cumulative resource degradation (CEQ 1997):

“Government regulations and administrative standards...often influence developmental activity and the resultant cumulative stress on resources, ecosystems, and human communities. They also shape the manner in which a project may be operated, the amount of air or water emissions that can be released, and the limits on resource harvesting or extraction.”

Cumulative effects in this analysis are described relative to regulatory standards and thresholds in accordance with CEQ guidance. FSA relies on the authority and expertise of regulatory

agencies, which have broad knowledge of regional activities that could affect the sensitive resources they are responsible for protecting, and to ensure through their permitting and consultation processes that its activities are not likely to contribute to significant negative cumulative resource impacts.

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### ***7.2.1 Wildlife and Habitat***

Contributions of the Proposed Action to cumulative impacts include removal of existing vegetation and the loss and fragmentation of wildlife habitat. No impacts to Threatened and Endangered Species are anticipated based on program requirements. According to the Official Endangered and Threatened Species list that was obtained for this area there are no critical habitats within the proposed project area under USFWS jurisdiction. SEE APPENDIX D-1. Based on the project information and determinations received from the USFWS IPAC website on the Verification letter, the proposed project would be allowed to continue with no further consultation with USFWS. SEE APPENDIX D-2. The proposed site is currently utilized as pasture ground and primarily established in Bermuda and other warm season grasses. It would be necessary to remove 20 trees, which could be utilized for habitat and nesting for various bird species in this area. Such impacts would add to vegetation and habitat lost as a result of past, present and reasonably foreseeable activities in the region of the Proposed Action including loss of native vegetation communities to agriculture, residential and commercial development and road building, recreation and other human activities. The Proposed Action would not be anticipated to result in long term or adverse impacts or to endangered species or their habitat. No cumulative impacts are anticipated based on coordination and consultation with USFWS and program requirements

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### ***7.2.2 Cultural Resources***

Based on program requirements, which call for coordination and consultation with State and Tribal Historic Preservation Offices, no impacts to known cultural resources are expected to result from the Proposed Action. Shovel testes from the cultural resource survey yielded negative results. SEE APPENDIX E. There is the potential for encountering unknown cultural resources if the proposal is implemented. Though unlikely, potential loss and damage to unknown cultural resources could occur, adding to similar potential impacts from other past, ongoing, and future developments that have the potential to degrade and destroy cultural resources.

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### ***7.2.4 Water Quality***

During construction of the Proposed Action there is the potential for mobilization of exposed soil; however those impacts would be temporary and minor, and minimized by adherence to terms of the SWPPP. Such impacts would add to impacts to water quality resulting from residential, municipal, industrial, and commercial development, particularly the use of septic systems, as well as runoff from roads and development, and agricultural production. Once the disturbed areas are revegetated or otherwise stabilized, no impacts to water quality would be expected. Since there are no long-terms

effected to water quality, the proposed action would not be expected to contribute significantly to cumulative effects to water quality.

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### **7.2.5 Air Quality**

The Council on Environmental Quality Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change In National Environmental Policy Act Reviews states:

The site of the Proposed Action lies in a rural area of Sevier County, AR. This proposed operation is surrounded by hardwood timber to the south and west, which would act as a buffer to filter the odor, dust, and other particulate matter emitted by the existing and proposed poultry houses. Exhaust fans would point towards the east into a wooded area.

Arkansas Water and Air Pollution Control Act, Subchapter 3 Air Pollution exempts "Agricultural operations in the growing or harvesting of crops and the raising of fowls or animals" and the "use of equipment in agricultural operations in the growth of crops or the raising of fowls or animals." There are no local ordinances regulating odor in existence in this area.

Arkansas's Right to Farm Law protects operation of farms that were established prior to the use of the area surrounding the agricultural operation for nonagricultural activities and those farms employ methods or practices commonly or reasonably associated with agricultural production. Management of agricultural soils accounts for over half of agriculture emissions. Activities including fertilizer application, irrigation and tillage, can lead to production and emission of nitrous oxide.

- Livestock, particularly cattle, produce methane as part of their digestion accounting for almost one third of the agricultural emissions.
- Manure storage and management also contribute methane and nitrous oxide, accounting for about 14 percent of the agriculture GHG emissions.
- Smaller agricultural sources include methane produced by rice cultivation and the burning of crop residue, which produces methane and nitrous oxide.

Dust would be generated from soil disturbance and equipment usage during construction and during operation as a result of equipment use, delivery trucks, and feeding systems. Such impacts would be minor, intermittent, and localized. Though such impacts are not expected to be significant, they would add to dust generated by other activities in the immediate vicinity of the farm.

Odor impacts from the proposed action including from the barns, litter storage facility, land application of litter on the farm, though not significant, would add to other sources of odor in the area including existing cattle and poultry farms nearby.

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### 7.2.6 Noise

Increases in noise levels would be minimal compared to existing conditions. There are no local or state noise ordinances, based on Program Requirements.

### 7.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. The term irreversible refers to the loss of future options and commitments of resources that cannot be renewed or recovered, or can only be recovered over a long period. Irreversible commitments apply primarily to the use of nonrenewable resources, such as minerals or cultural resources, or to factors such as soil productivity, that are renewable only over a long period. Irretrievable refers to the loss of production or use of natural resources. For example, when a road is built through a forest, some, or all of the timber production from an area is lost irretrievably while an area is serving as a road. The production lost is irretrievable, but the action is not irreversible. If the use changes, it is possible to resume timber production. No irreversible resource commitments would occur as a result of the Proposed Action. Irretrievable resources include those raw materials and fuels used during construction. List of Preparers and Persons and Agencies Contacted

8. List of Preparers	
Name and Title	Education and Experience
Adam Kaufman, State Environmental Coordinator, FSA, Arkansas	BS, Crop, Soil, and Environmental Sciences Years of Experience: 13

Persons and Agencies Contacted	
Name and Title	Affiliation
[REDACTED]	Landowner/Applicant
[REDACTED]	[REDACTED]
Stacy Hurst	Arkansas SHPO
Pedro Ardapple Kindberg	US Fish and Wildlife Service
Bob Komardley	Apache Tribe of Oklahoma
Everett Bandy	Quapaw Tribe of Indians
Derek Hill	Caddo Nation

Autumn Gorrell	Chickasaw Nation
Lindsey D. Bilyeu	Choctaw Nation of Oklahoma
Linda Langley	Coushatta Tribe of Louisiana
Dr. Andrea Hunter	Osage Nation
Tonya Tipton	Shawnee Tribe of Oklahoma
Frank Walker	SWPPP Developer
Jamal Solaimonianian, P.E.	ADEQ Water Quality Permits
Colby Underank	ADEQ Water Quality Permits

## 8. REFERENCES

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CEQ 1997. Council on Environmental Quality (CEQ). 1997. Guidance under the National Environmental Policy Act. December.

TCEQ 2016. Texas Commission on Environmental Quality (TCEQ). 2016. Economic Values and Impacts of Poultry Production Activities in East Texas. <http://www.tceq.state.tx.us/> Accessed on 19 September 19, 2016.

**Arkansas Water Plan:**

<http://www.arwaterplan.arkansas.gov/plan/ArkansasWaterPlan/AppendicesUpdate.htm>

**National Agricultural Statistics Service (NASS):**

[https://www.agcensus.usda.gov/Publications/2012/Online\\_Resources/County\\_Profiles/Arkansas/cp05083.pdf](https://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Arkansas/cp05083.pdf):

**Web Soil Survey (WSS):** <https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

**IPAC (Information:** <https://ecos.fws.gov/ipac/>

**FEMA:** <https://msc.fema.gov/portal>

**NEPASSIST:** <https://www.epa.gov/nepa/nepassist>

**National Agricultural Statistics Service (NASS):**

[https://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/Arkansas/st05\\_2\\_001\\_001.pdf](https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/Arkansas/st05_2_001_001.pdf)

**Arkansas Department of Environmental Quality (ADEQ), Impaired Streams/TMDL Lists:**

<https://www.adeq.state.ar.us/water/>

**Arkansas Department of Environmental Quality (ADEQ), Rules and Regulations:**

<https://www.adeq.state.ar.us/regs/>

**Arkansas Natural Resource Commission (ANRC) Regs:** <http://www.anrc.arkansas.gov/rules/current-rules/>

**Arkansas Air Pollution Control Regulations:**

[https://www.adeq.state.ar.us/regs/files/reg18\\_final\\_160314.pdf](https://www.adeq.state.ar.us/regs/files/reg18_final_160314.pdf)

**Arkansas Water.Org Sevier County:**

[http://arkansaswater.org//index.php?option=com\\_content&task=view&id=101&Item](http://arkansaswater.org//index.php?option=com_content&task=view&id=101&Item)

Burns, R.T., H. Li, H. Xin, R.S. Gates, D.G. Overhults, J. Earnest, and L. Moody. 2008. Greenhouse Gas (GHG) Emissions from Broiler Houses in the Southeastern United States. Published in Proceedings of the American Society of Agricultural and Biological Engineers Agricultural and Biosystems Engineering Conference.

**EPA 2016a. US Environmental Protection Agency Sources of Greenhouse Gas Emissions. Available at:** <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#agriculture>. Accessed March 1, 2017.

**EPA 2016b. US Environmental Protection Agency Greenhouse Gas Data Explorer. Available at:** <https://www3.epa.gov/climatechange/ghgemissions/inventoryexplorer/>. Accessed March 1, 2017.

**National Forest Service:** <https://www.fs.usda.gov/osfnf>

**University of Arkansas Research and Extension: Sevier County:**

<https://www.uaex.edu/business-communities/strategic-planning/docs/county-profiles/sevier-county-profile.pdf>

**Arkansas Air Pollution Control Regulations:**

[https://www.adeq.state.ar.us/regs/files/reg18\\_final\\_160314.pdf](https://www.adeq.state.ar.us/regs/files/reg18_final_160314.pdf)

**Arkansas Right to Farm:**

[http://www.farmlandinfo.org/sites/default/files/Arkansas\\_RTF\\_law\\_1.htm](http://www.farmlandinfo.org/sites/default/files/Arkansas_RTF_law_1.htm)

**Arkansas 2018-2023 NPS Pollution Management Plan** [https://static.ark.org/eeuploads/anrc/2018-2023\\_NPS\\_Pollution\\_Management\\_Plan.compressed\\_\(2\).pdf](https://static.ark.org/eeuploads/anrc/2018-2023_NPS_Pollution_Management_Plan.compressed_(2).pdf)

## 9. EA DETERMINATION AND SIGNATURES

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### ENVIRONMENTAL DETERMINATION – The FSA preparer of the EA determines:

1. Based on an examination and review of the foregoing information and supplemental documentation attached hereto, I find that this proposed action
  - would have a significant effect on the quality of the human environment and an Environmental Impact Statement (EIS) must be prepared;
  - would not have a significant effect on the quality of the human environment and, therefore, an EIS will not be prepared.
  
2. I recommend that the Project Approval Official for this action make the following compliance determinations for the below-listed environmental requirements.

Not in compliance	In compliance	Not applicable	
			National Environmental Policy Act
			Clean Air Act
			Clean Water Act
			Safe Drinking Water Act
			Endangered Species Act
			Coastal Barrier Resources Act
			Coastal Zone Management Act
			Wild and Scenic Rivers Act/National Rivers Inventory
			National Historic Preservation Act
			Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation, of the Food Security Act
			Executive Order 11988 and 13690, Floodplain Management
			Executive Order 11990, Protection of Wetlands
			Farmland Protection Policy Act
			Department Regulation 9500-3, Land Use Policy
			E.O. 12898, Environmental Justice

3. I have reviewed and considered the types and degrees (context and intensity) of adverse environmental impacts identified by this assessment. I have also analyzed the proposal for its consistency with FSA environmental policies, particularly those related to important farmland protection, and have considered the potential benefits of the proposed action. Based upon a consideration of these factors, from an environmental standpoint, this project may:
  - Be approved without further environmental analysis and a Finding of No Significant Impact (FONSI) prepared.
  - Not be approved because of the reasons identified under item b.

Signature of Preparer	Date
Name and Title of Preparer (print)	

**Environmental Determination – FSA State Environmental Coordinator determines:**

Based on my review of the foregoing Environmental Assessment and related supporting documentation, I have determined:

- The appropriate level of environmental review and assessment has been completed, and substantiates a Finding of No Significant Impact (FONSI); therefore, an EIS will not be prepared and processing of the requested action may continue without further environmental analysis. A FONSI will be prepared.
  
- The Environmental Assessment is not adequate and further analysis or action is necessary for the following reason(s):
  
  
  
  
  
  
  
  
  
  
- The Environmental Assessment has established the proposed action cannot be approved for the following reason(s):

Additional SEC Comments:

Signature of SEC	Date
Printed Name	

