

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency
21315 Berlin Road
Georgetown, DE 19947

**DRAFT CLASS II
ENVIRONMENTAL ASSESSMENT**

**10352 Camp Road
Laurel, DE
Sussex County, DE
Tax Map 232.6.00-42.01**

Prepared By
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10/25/2016

COVER SHEET

Proposed Action: The Farm Service Agency of the United States Department of Agriculture proposes to provide financing for the construction of four (4) 61' x 560' poultry houses at 10352 Camp Road Laurel, Delaware.

Type of Statement: This is a Class II site-specific Environmental Assessment performed in Conformation with the scope and limitations of the National Environmental Policy Act (NEPA).

Lead Agency: Farm Service Agency (FSA), United States Department of Agriculture (USDA).

Cooperating Agencies: USDA, Farm Service Agency is tasked with completing the environmental analysis concerning this project. Input and assistance was provided by USDA's Natural Resource Conservation Service (NRCS); Sussex Conservation District; Delaware State Historic Preservation Office, Department of Natural Resources and Environmental Control which also encompasses those charged with Coastal Zone Management (CZM), and the U.S. Fish and Wildlife Service.

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Comments: The comment period will conclude fifteen (15) days from the last date of the publication of the notice of availability of the assessment.
Send comments to the following address:

Sussex County FSA
21315 Berlin Road, Unit 1
Georgetown, DE 19947

Commented [USDA1]: The date that comments need to be received and where to send them. See 1-EQ Par. 6C for public comment period requirements.

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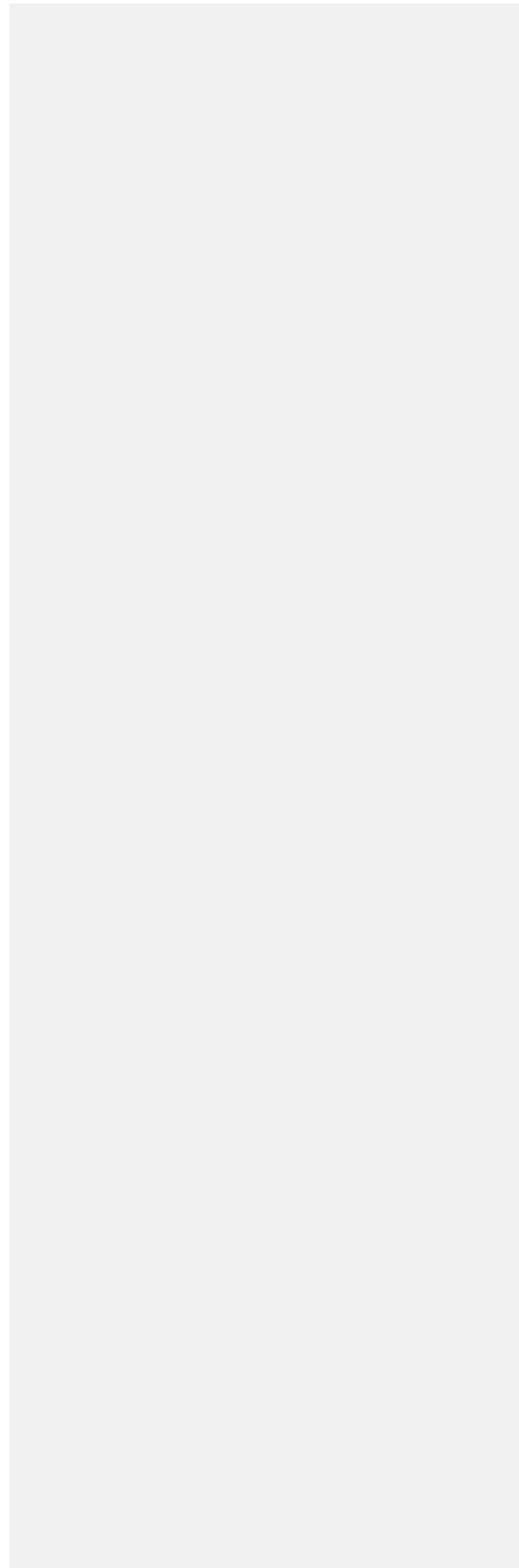
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1.0 PURPOSE AND NEED

1.1 Purpose and Need for the Proposed Action

The applicant is planning to construct four (4) 61' x 560' poultry houses in Sussex County, Delaware. A commercial lender is financing the construction. Additionally, the applicant has requested a Direct Loan from the Farm Service Agency to finance the additional funding needed for the operation. If completed each of the houses could house 45,547 chickens meaning that the total facility could have 182,187 live birds for each placement. The proposed project will be located on a 20 acres of cropland located at 10352 Camp Road Laurel, DE 19956 Sussex County, Delaware.

The purpose of the loan is to provide an opportunity for the applicant to work for himself and to be able to provide a stable income for his family for many years as well as meeting the Environmental Compliance needs of Farm Service Agency. These facilities are necessary to meet the growing needs of the integrator, Amick Farms, as they expand their operations in the area to meet the demands for protein in a world market that is continually expanding.

1.1.1 Decision to be made

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9). The purpose of the EA is to determine if the above action would have "significant impacts" as defined under 40 CFR § 1508.27.

1.2 Scoping

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.

1.2.1 Internal Scoping

USDA staff of various specialties have been consulted regarding the purpose and need and issues and impact topics appropriate for consideration for the proposed activity. The general scope and items analyzed by the EA are those outlined in the Council on Environmental Quality (CEQ) Regulations under 40 CFR § 1508 and applicable subsections.

1.2.2 External Scoping

USDA researched and completed the following tasks and efforts:

- Researched the U.S. Fish and Wildlife Service (USFWS) - Information, Planning, and Conservation System (IPaC) about the project's potential to affect federally listed species, and has completed a biological field review relative to the potential species presence as required by the Endangered Species Act of 1973
- Consulted with the Delaware Coastal Management Program as required by Section 307 of the Federal Coastal Zone Management Act (CZMA) of 1972, Department of Natural Resources and Environmental Control, Department of Natural Resources, Sussex Conservation District, Delaware Historic Preservation Officer (SHPO) to ensure the requirements of 54 U.S.C. 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed and the U.S. Fish and Wildlife Service.

2.0 RESOURCES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

10352 Camp Road Laurel, DE 19956 was reviewed in accordance with the provisions of the Farm Service Agency's Environmental Quality Programs handbook, (1-EQ) to determine its compliance with the following protected resources.

2.1 Critical Habitat/Endangered/Threatened Species

The US FWS IPaC system was utilized to obtain an official species list for the Area of Potential Effect, (APE). The site was reviewed for the presence of endangered/threatened species listed and their potential habitat within the APE. No federal endangered/threatened species or critical habitats are to be adversely impacted by the proposed project. The US FWS was contacted and the Agency has made a determination of "No Affect" to threatened or endangered species. See Appendix E.

2.2 Cultural Resources

Effects to cultural resources were eliminated from detailed analysis because the project does not involve any ground disturbing activities or alternations to structures that exceed 50 years in age. Cultural resources that are significant are called historic properties under the National Historic Preservation Act (NHPA), as amended (16 U.S.C 470 et. Seq.) NHPA, Section 106 requires all Federal Agencies to take into account the effect of their undertakings; that is activities that are federally permitted, federally funded, or carried out on Federal lands, or historic properties.

Historical properties are cultural resources listed in or eligible for inclusion in the National Registry of Historic Places (NRHP). A historic property should possess integrity of location, design, setting, materials, workmanship, feeling, and association. In other words, a building with numerous modern additions and little of its original materials

would be determined, in most cases, to no longer possess integrity. In addition to integrity, National Park Services (NPS) requires that a historic property meet 1 of the following 4 criteria:

- Association with events that have made a significant contribution to the broad patterns of our history.
- Association with the lives of persons significant in our past.
- Have distinctive characteristics of a type, period or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
- Have yielded or may be likely to yield, information important to prehistory or history.

In accordance with Section 106 of National Historic Preservation Act, the State Historic Preservation Officer (SHPO) was contacted to comply with cultural resource requirements but no response has been received yet.

2.3 Coastal Barrier

Effects to coastal barriers were eliminated from detailed analysis because the project is not located in a Coastal Barrier Resource Zone or other projected area and therefore will not have any adverse effect on this resource. See Appendix G.

2.4 Coastal Zone

This protected resource has been considered with detailed analysis under Section 3.0.

2.5 Wilderness Areas

Effects to wilderness areas were eliminated from detailed analysis. FSA conducted a review of the public wilderness information website (www.wilderness.net) which was formed in 1996 through a collaborative partnership between the Arthur Carhart National Wilderness Training Center and the Aldo Leopold Wilderness Research Institute, the federal government's wilderness training and research arms, respectively, and the College of Forestry and Conservation's Wilderness Institute at the University of Montana. The website provides interactive maps showing wilderness areas, of which no maps are available for Delaware, indicating the proposed project area is not located in a wilderness area. Therefore, Wilderness Resources are screened out from further consideration in this EA. See Appendix I.

2.6 Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)

This protected resource has been considered with detailed analysis under Section 3.0.

2.7 National Natural Landmarks

Effects to national natural landmarks were eliminated from detailed analysis because Delaware does not have any national natural landmarks. See Appendix K.

2.8 Sole Source Aquifers

Effects to sole source aquifers were eliminated from detailed analysis because the project is not located in a sole source aquifer. Sussex County does not have any sole source aquifers or sole source aquifer recharge areas located beneath the surface. See Appendix L.

2.9 Floodplains

Effects to floodplains were eliminated from detailed analysis because according to FEMA's FIRM Panel 404 of 660 (Flood Insurance Rate Map) there are no floodplains located in the project area. See Appendix M.

2.10 Wetlands

Effects to wetlands were eliminated from detailed analysis because no wetlands lay within the project area as determined by the Natural Resource Conservation Services. If applicant converted wetland prior to December 23, 1985 applicant is exempt due to the converted wetland provision. See Appendix N.

2.11 Soils

Effects to soils were eliminated from detailed analysis because NRCS has determined that HEL soils are not present within the project area. See Appendix O.

2.12 Water Quality

This protected resource has been considered with detailed analysis under Section 3.0.

2.13 Air Quality

This protected resource has been considered with detailed analysis under Section 3.0.

2.14 Noise

Noise levels would be minimal during the construction phase as the site would be located at a distance from residences in the area and it would be unlikely that neighbors would be disturbed by the construction during normal work hours. Effects on noise were eliminated from detailed analysis because the project would not create noise that will interfere with communication, or be intense enough to damage hearing, or otherwise annoying. Ambient noise levels in the vicinity of the facility would increase during operations due primarily to ventilation fans needed for heating and cooling of the buildings. Sound levels will be controlled as warranted by use of sound barriers, plantings, or other measures to reduce noise levels to within acceptable levels in

accordance with Environmental Noise Standards.

2.15 Important Land Resources

Effects on farmland, forest land and rangeland resources were eliminated from detailed analysis because the proposed action will not result in prime and/or important land being converted to a nonagricultural use. Appendix S

2.16 Socioeconomic Impacts and Environmental Justice

The proposed action will not cause any adverse human health or environmental effects as defined in Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". The location of the project is 2.8 miles north of the closest town. The proposal will not change the population in the area; therefore it will not have any impact on the public, community schools, hospitals, social services, etc. Basic land use will not change; the property is currently zoned as agriculture. It is not expected that any significant long-term adverse impact will exist because of this project. There will be no adverse effect on the minority population of the community or on any residents who are low income. Appendix R1

2.16.1 Right to Farm

Delaware has a right-to-farm law that is designed to protect agricultural operations, with an affirmative defense to nuisance suits. Sussex County also has a right to farm ordinance. This operation would be protected since it is already an existing agricultural operation. Appendix R2

3.0 RESOURCES CONSIDERED WITH DETAILED ANALYSIS

3.1 Water Quality

3.1.1 Surface Water Quality

Effects to surface water quality were eliminated from detailed analysis because the project is not located near a body of water or will not result in a discharge into a water body. During construction, site work such as demolition, excavation, grading and material storage has the potential to impact surface water quality particularly by storm water runoff during heavy precipitation events. Control of runoff will be maintained during construction by developing and following procedures outlined in the Storm water Management Plan and in accordance with the General Permit for Storm water Associated with Construction Activity. These measures can include erosion control, installation of siltation filter fences, covering stockpiles, proper material storage, and other measures to prevent runoff from impacting surface water.

The major concern with an AFO during operation is the contamination of surface and groundwater by animal waste. The operator will be required to follow the approved

nutrient management plan. This approved plan will allow the operators to sufficiently control any runoff from the operation so that water quality will not be adversely impacted. Potential surface water impacts will be controlled by the implementation of design features of the facility such as manure handling areas, and the use of Best Management Practices (BMPs). Surface water quality control measures will be implemented in accordance with a General Permit for an animal feeding operation, requirements of the TMDL (Total Maximum Daily Load), and guidelines listed in a Nutrient Management Plan and Conservation Plan.

Plans for the project include a manure shed and composter to adequately address manure and bird mortality per NRCS requirements and the site-specific nutrient management plan. The manure generated will be applied according to his Comprehensive Nutrient Management Plan.

3.1.2 Groundwater Quality

Effects to groundwater quality were eliminated from detailed analysis because this project is not located within a Sole Source Aquifer Recharge Area. Wells will supply water to the poultry houses and water can be hauled in as a backup water supply in cases of emergency.

3.2 Air Quality

Effects to air quality were eliminated from detailed analysis because emissions or degradation to air quality are not permanent in nature and will be limited to the duration of the construction activity. Any potential impacts during construction can be minimized by the implementation of standard construction control measures. There will be no burning of construction material.

During construction activities, (including soil excavation, grading, site work, renovation, and /or demolition of buildings and roadways), particulate matter such as fugitive dust has the potential to be generated, temporarily impacting local air quality. Motor vehicle traffic will increase slightly during the construction phase; however, this will only be for a short period of time.

Air quality control will be maintained during construction by developing and following fugitive dust control measures that will include the use of covers, water sprays, dust suppressants, and/or other techniques to prevent nuisance dust conditions.

The proposed project has the potential to impact air quality during operations by the generation of odors primarily associated with poultry litter and possibly mortality management. However, these potential impacts will be addressed by the proper design and management of the facility. Design features will include the proper sizing of

manure storage areas to ensure sufficient capacity for the operation, installation of roofs and covers to prevent infiltration of rainwater, stabilized surfaces to cover areas where manure will be handled, and a properly designed and operated ventilation system.

Best management practices within the facilities to keep the litter dry and the facility clean will be implemented.

Other air quality impacts associated with facility operation including emissions from a standby emergency generator will be limited by restricting the use of the generator to only periods when off-site power is unavailable or during testing and maintenance.

3.3 Coastal Zone

The project is located in the Delaware Coastal Zone. The project has the potential to impact Coast Zone Management (CZM) areas if uncontrolled discharges to surface waters occurred during construction or operation of the facility. As stated above, potential storm water impacts during construction and operation of the facility will be controlled by implementation of storm water BMP's that will be outlined in the county approved Storm Water Pollution Prevention Plan. Potential discharges to surface water during operation will be controlled through facility features, BMP's, and proper handling of wastes and poultry litter, which will be outlined in the approved nutrient management plan and conservation plan.

A Federal Consistency determination, pursuant to Section 307 of the Federal Coastal Zone Management Act of 1972 was requested for the project from DNREC.

A copy of the nutrient management plan, conservation plan, approved site plan, and Coastal Consistency Determination are located in the appendices of this assessment.

3.4 Wild and Scenic Rivers/Nationwide Rivers Inventory

Effects to Wild and Scenic Rivers /National Rivers Inventory were eliminated from detailed analysis. According to (www.rivers.gov) Delaware does have proposed or designated rivers within the Wild and Scenic Rivers System. The White Clay Creek is located in New Castle County but because of its distance from the project it is not a concern. The National Rivers Inventory site (www.nps.gov) list several rivers that are located in Sussex County, none of the rivers are near the proposed site. The proposed project should not be visible, heard or smelled from the river. See Appendix J.

4.0 PUBLIC REACTION, IMPACTS AND ALTERNATIVES

4.1 Public Reaction

If public comments are received, upon publication of the draft EA, they will be listed in the final EA of this section.

4.2 General Impacts

4.2.1 Alternative A – No Action (Required by NEPA)

If FSA selects the “No Action” Alternative which is always an alternative consideration. The no-action alternative to the proposed action, i.e. electing not to construct 3 new poultry houses, would require the customer to seek other options to generate the needed income to support his farming operation and offers no environmental advantages over the proposed action. As no impacts were identified.

4.2.2 Alternative B – Continue with Project as Planned (Required by NEPA)

Continue with project as planned. Air and water quality impacts will be minimal as the applicant will be producing broilers under a Comprehensive Nutrient Management Plan, and during construction, the contractors will follow the general discharge permit to minimize impacts to water quality. Following these plans should result in minimal impacts to air and water quality. After detailed evaluation of several alternatives, it was determined that the most sustainable and cost effective option and was selected.

4.2.3 Alternative C – Optional Reasonable Alternative

This project required additional alternatives as well as the consideration of Alternatives A and B above. The following is the analysis of the additional alternatives identified.

4.2.3a. FSA Alternative locations would consist of moving the site location, or building on a different site within the property boundaries. This alternative is not feasible. This is an existing operation and it is located in the optimal location within the boundaries of the available land. Moving the location would produce no benefits and would give the production area a larger footprint and take cropland out of production. Additionally, building on an alternate site would result in considerably more site preparation increasing the risk of environmental damage associated with that preparation. Building on the site or off the site, the farm would most likely result in the similar impacts to the surrounding environment.

4.2.3b. Alternative Designs – Not feasible, to produce broilers, the design of the

project must meet current integrator specifications. Changing the design would jeopardize the availability of broiler placements, and could create further expense to the integrator to harvesting and collecting flocks.

- 4.2.3c.** Alternative projects having similar benefits, an example of this would be to sell the farm and purchase an existing 3 house farm. Impacts to the air and water quality would be minimal and this option offers no advantages over the proposed option. Additionally, the availability of existing poultry houses meeting current integrator specifications is very limited.

4.3 Measures to Avoid or Mitigate Adverse Environmental Impacts

By virtue of the Comprehensive Nutrient Management plan, General Discharge Permit, Concentrated Animal Feeding Operation Plan, there were no potential impacts that were determined to require mitigation. Therefore no mitigation is required as proposed.

4.4 Cumulative Impacts

No cumulative impacts were identified as a result of the project. By virtue of the various conservation plans impacts to the protected resources have been mitigated.

5.0 DISTRIBUTION

6.0 ENVIRONMENTAL DETERMINATION

The following shall be completed:

- a) 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 must be prepared. Would not have () a significant effect on the quality of the human environment.

b) I recommend the project approval official for this action make the following compliance determinations for the below-listed environmental requirements.

Not in Compliance	In Compliance	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Clean Air Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Federal Water Pollution Control Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Safe Drinking Water Act – Section 1424(e)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Endangered Species Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Coastal Barrier Resources Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Coastal Zone Management Act – Section 307(c)(1) and (2)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Wild and Scenic Rivers Act/National Rivers Inventory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> National Historic Preservation Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Archaeological and Historic Preservation Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation, of the Food Security Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Executive Order 11988 and 13690, Floodplain Management
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Executive Order 11990, Protection of Wetlands
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Farmland Protection Policy Act
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Department Regulation 9500-3, Land Use Policy
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> E.O. 12898, Environmental Justice
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> State environmental laws

c) I have reviewed and considered the types and degrees 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 proposal. Based

upon a consideration and balancing of these factors, from an environmental standpoint this project may:

- Be approved without further environmental analysis
- Not be approved because of the reasons outlined in Appendix E

Signature of Preparer

Date (MM-DD-YYYY)

APRIL L. BENTON
FARM LOAN OFFICER TRAINEE

Name & Title of Preparer

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; therefore an environmental impact statement will not be prepared and processing of the requested action may continue without further environmental analysis.



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 project cannot be approved for the following reason(s):

SEC Comments:

Signature of State Environmental
Coordinator

Date (MM-DD-YYYY)

Name of State of Environmental
Coordinator

DRAFT

