

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

DRAFT ENVIRONMENTAL ASSESSMENT

***Proposed On-Farm Brewery
Heathcote Road
Freeland, MD 21053
Baltimore County, MD***

**Prepared By
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April 10, 2020

COVER SHEET

Proposed Action:	The Farm Service Agency of the United States Department of Agriculture proposes to provide Farm Service Agency assistance to construct an on-farm brewery facility, purchase and install processing equipment into the planned construction of a 50'X100' brewery facility and store front, which will include grading of the property. It would process raw hops produced only by the applicants existing hops operation. A storm water management plan will be required for construction and permitting. The project would be located in Baltimore County at Tax Map: Map 0007, Grid 0002, Parcel 0240
Type of Document:	This is a site-specific Environmental Assessment
Lead Agency:	United States Department of Agriculture (USDA) Farm Service Agency (FSA)
Cooperating Agencies:	None
Further Information:	Farm Service Agency, Farm Loan Programs 92 Thomas Johnson Dr. Suite 240 Frederick, MD 21702
Comments:	<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>The draft EA and related material will only be available online at https://www.fsa.usda.gov/state-offices/Maryland/resources/index, due to the Covid-19 pandemic.</p> <p>Written comments regarding this EA can be submitted to the address below until approximately May 15, 2020: Proposed On-Farm Brewery – Heathcote Road Comments Farm Service Agency, Farm Loan Programs 92 Thomas Johnson Dr., Suite 240, Frederick, MD 21702</p>

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ACRONYMS AND ABBREVIATIONS

CAFO	Confined Animal Feeding Operation
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CNMP	Comprehensive Nutrient Management Plan
CO ₂ e	Carbon Dioxide Equivalent
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
FSA	Farm Service Agency
GHG	Green House Gases
HUC	Hydrological Unit Code
IPaC	Information Planning and Conservation
MDA	Maryland Department of Agriculture
MDE	Maryland Department of Environment
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMP	Nutrient Management Plan
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
SCD	Soil Conservation District
SHPO	State Historic Preservation Officer
SWPPP	Storm Water Pollutions Prevention Plan
THPO	Tribal Historical Preservation Officer
U.S.	United States
USACE	United States Army Coro or Engineers
USFWS	United States Fish and Wildlife Service
WMA	Wildlife Management Area

APPENDICES

- A. Project Area Maps (3)
- B. Site Photo
- C. Required Permits and Plans
 - Enhanced BMP for Tier II Waters – per MDE
 - Sediment and Storm Water Pollution Prevention Plan
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- D. Threatened and Endangered Species Documentation
 - IPaC List and Map
 - Species Consideration
 - Agency Correspondence
- E. Cultural Resources Documentation
 - Maryland Clearing House Response Letter
 - Delaware Nation Response
- F. Coastal Barrier
- G. Coastal Zone Management Area Supporting Documentation
 - Maryland's Coastal Zone Map
 - Agency Correspondence
- H. Wilderness Areas Supporting Documentation
- I. Wild and Scenic Rivers/ Nationwide Rivers Inventory Supporting Documentation
- J. National Natural Landmark Supporting Documentation (2)
- K. Sole Source Aquifer Supporting Documentation
 - Sole Source Aquifer Map
- L. Floodplains
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- M. Wetlands Supporting Documentation
 - NRCS Response Letter
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 - Wetland Mapper Image
 - AD-1026
- N. Soils Supporting Documentation
 - Soils Map
- O. Right to Farm Bills
 - State of Maryland
 - Baltimore County
- P. Air Quality
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1. INTRODUCTION

1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to provide financial assistance for the construction of a 50'X100' on-farm brewery facility/store front, which will include grading of the property, purchase and installation of processing equipment into the planned facility. The facility will process raw hops produced only by the applicants existing hops operation on a 20.7 acre tract of land owned by the applicant. A storm water management plan will be required for construction and permitting and is in the process of being developed. The proposed project site would be located at 21305 Heathcote Road, Freeland, MD 21053, in Baltimore County, approximately 2.0 miles east of Freeland, MD. The proposed site is not located in an area of the state identified by regulatory authorities as being subject to unusual agricultural restrictions. Appendices A and B contain maps notes and photos of the proposed project area. A detailed description of the components of the proposed action, 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 request, FSA's need is to respond to the applicant's request for assistance 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 applicant(s) has been determined to be a family farm as defined by 7 CFR 761.2. The proposed action would allow them the opportunity to vertically integrate their operation and expand their market potential and continue their family farming operation, providing economic stability to meet the needs of their family.

1.3 Decision To Be Made

FSA's decision is whether to:

- Approve the applicant's request;
- Approve the request with additional mitigations; or
- Deny the 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 opt to reside in rural areas where normal farming operations exist, and who later use nuisance actions to attempt to stop those ongoing operations. The Right to Farm law for the State of Maryland is designed to protect agricultural operations, with an affirmative defense to nuisance suits. Baltimore County addresses “**Right to Farm**” differently in that it is identified in the Code of Ordinances and multiple Zoning Regulations, including Baltimore County Ordinance 24-2-102, Zoning Regulations 1A01-R.C.2 and 1A03.8. This operation would be protected, being in an RC2 zone (Agricultural) and farming with the intent to process agricultural products, in accordance with good husbandry. See Appendix O.

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.

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 action. A site visit and pedestrian review was completed by Leah Petersen, FSA, Farm Loan Manager, on July 9, 2018 and subsequently September 5, 2019. For site visit photograph see Appendix B.

1.5.2 External Scoping

USDA FSA has completed research including the following:

- Research of U.S. Fish and Wildlife Service (USFWS) - Information, Planning, and Conservation System (IPaC) about the proposed action’s potential to affect federally listed species as required by the Endangered Species Act of 1973. See Appendix D.
- No wetlands were present, in the project area of impact, per NRCS determination letter and IPAC wetlands mapper indicating no wetlands are present in the proposed area of impact. See Appendix M.

- Consultation with Maryland Department of Environment, Wetlands and Waterways was made and determined the proposed project is consistent with CZMA and will have no effect on the State's coastal resources or uses.
- Input and assistance were provided by Baltimore County Soil Conservation District, who will be working with the farm owner/operator in formulating an appropriate & approved sediment & storm water management plan, required for the project. See Appendix C
- The Maryland State Clearinghouse for Intergovernmental Assistance who consults with and requests input from their cooperating agencies including but not limited to Maryland Department of Planning and Zoning, Maryland Department of Environment, which is responsible for the General Discharge Permit (GD), Notice of Intent (NOI), State Historic Preservation Office (SHPO) ensuring compliance with the requirements of Section 106 of the National Historic Preservation Act (NHPA) and that significant impacts to historic properties would not result from the proposed action. See Exhibit C

1.5.3 Public Involvement

This document is available for public review and comment from April 15, 2020 – May 15, 2020, only at the FSA State website at: <https://www.fsa.usda.gov/state-offices/Maryland/resources/index>, due to the COVID-19 pandemic.

A notice of the availability of the document was published in the Baltimore Sun, on April 15, 2020, April 16, 2020 and April 17, 2020 and posted to the FSA State website at: <https://www.fsa.usda.gov/state-offices/Maryland/resources/index>. Written comments may be submitted to:

Proposed On-Farm Brewery – Heathcote Road Comments, 92 Thomas Johnson Dr. Suite 240, Frederick, MD 21702, through May 15, 2020. All comments received will be carefully considered and analyzed before FSA's final decision is made.

2. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

2.1 Alternative A - Proposed Action

The site of the proposed action is located on approximately 20.7 acres in Baltimore County approximately 1.5 miles east of Freeland. The current land use is as grass yard, the brewery facility/store front is proposed on part of this area. The existing hops processing/storage barn and building site are located east of the proposed site, with the residence northeast of the proposed site, on the property. See Appendix A and B.

The surrounding area supports other crop operations as evidenced by the aerial photo. See Appendix A. There is a county road that borders the northern portion of the tract on the west, cropland to a portion of the east and trees in all other directions. The nearest neighbor is located less than .1 miles away off of the farm drive; the nearest church is located 1.6 miles from the subject project site and the school, from the project site, is located 10.4 miles away. See Appendix A.

The proposed action includes construction of one (1) 50' x 100' brewery facility and store front, with a small parking area, in the Freeland area, Baltimore County, Maryland, on land that is currently grass yard. Leveling at the pad site will occur. A storm water management plan is going to be developed with Baltimore County to manage the construction debris in accordance with COMAR 26.17.02.05. Construction would take place during the day and would likely begin in the late spring. During the construction phase, the contractors will follow the general discharge permit requirements to minimize impacts to water quality. BMP's will remain in practice following construction.

The existing operation grows and harvests 3.0 acres of hops currently. The nutrient management plan is approved for the current operating season.

There is no manure produced or stored by this crop-only operation.

The project site consists of disturbance of approximately 9,000 square feet – including the building footprint and grading for the parking area. There are no trees, bushes or shrubbery present in the proposed area of disturbance.

The Maryland Department of Environment is tasked with responsibility for protecting air, water and land resources in the State from the threat of pollution. They are responsible for establishing appropriate standards necessary for planning and permitting processes, inspections and monitoring for compliance and related enforcement. Their planning and permitting process establishes requisite site-specific standards and includes provisions for related best management practices designed to avoid risk and mitigate potential impacts to important resources. The proposed action would be required to have the following permits and plans and use best management practices and actions. The applicant will operate under the requirements of the nutrient management plan (NMP), Enhanced BMP for Tier II Waters – per MDE, Sediment and Storm Water Pollution Prevention Plan (SSWPPP), with National Pollutant Discharge Elimination System (NPDES) plan and permit for Stormwater Associated with Construction Activity, Exhibit C.

2.2 Alternative B - No Action Alternative

The No Action Alternative means FSA assistance would not be provided and the project described in Section 2.1 above (proposed action) would not occur. Existing conditions on the site would continue and there would be no impacts as the proposed action would not go forward.

2.3 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 assistance to create more viability in his hops operation, through vertical integration with value-added, on-site product sales.

FSA's decision to be made is to approve the request for assistance as designed, to deny the requested assistance, or to approve the request with additional mitigations, practices or methods that would be needed to minimize or eliminate impacts to protected resources.

Similarly, alternative design features of the project components are not considered as they would alter the intended use of the infrastructure proposed. The current plan is designed to absorb planned growth, including equipment and specifications which are in place to ensure consistency, maximize production, and reduce waste. Design alternatives that would involve modification of features and infrastructure other than those already prescribed would jeopardize the necessary output, and therefore the viability of the farm. Accordingly, this alternative would not warrant further consideration.

3. AFFECTED ENVIRONMENT AND IMPACTS

The impacts to several 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 Barriers

Coastal Barriers are eliminated from detailed analysis because there are no coastal barrier locations in Baltimore County, Maryland. This determination is based on the Coastal Barrier Resource System obtained on the FEMA portal. See Appendix F.

Coastal Zones

Coastal zones are eliminated from detailed analysis because while Baltimore County is considered part of the Coastal Zone in Maryland, consultation with MDE Wetlands and Waterways Division determined the proposed action will have no effect on the State's coastal resources and is consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the CZMA. See Appendix G.

Wilderness Areas

Wilderness areas are eliminated from detailed analysis because Maryland does not have any wilderness areas. FSA conducted a review of the public wilderness information website (www.wilderness.net). The website provides interactive maps showing wilderness areas, and FSA review found that no wilderness areas are located in Maryland. See Appendix H.

Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)

Wild and Scenic Rivers/Nationwide Rivers Inventory are eliminated from detailed analysis because the proposed action is not located within ¼ mile of a Wild and Scenic River or River listed on the Nationwide Rivers Inventory, would not involve destruction or alteration or cause a disturbance to such a river. The nearest designated Wild and Scenic River, White Clay Creek, is in Northern Delaware approximately 70 miles east of the project site. The nearest river listed on the Nationwide Rivers Inventory is Deer Creek, located approximately 3 miles east and north of the proposed site. See Appendix I.

National Natural Landmarks

There are five National Natural Landmarks in the state. The site of the proposed action is not located near any of these nor does it threaten to alter or impair them. The closest landmarks Long Green Creek and Sweathouse Branch to the south and east, located 17 miles and 21 miles from the proposed sites respectively, therefore National Natural Landmarks are eliminated from detailed analysis. See Appendix J.

Sole Source Aquifers

Sole source aquifers are eliminated from detailed analysis because there are no sole source aquifers or recharge areas in Baltimore County, Maryland. See Appendix K.

Floodplains

Floodplains are eliminated from detailed analysis because there are no floodplains located in the project area or an adjacent area that would be affected. This determination is based on flood plain map obtained on the FEMA portal, Map 2400100035F with an effective date of 09/26/2008. See Appendix L.

Wetlands

Wetlands were eliminated from detailed analysis based on the NRCS wetland determination of the project area and IPAC report. Sediment and stormwater management plan is required by MDE and DNR for the construction area to mitigate potential discharge or fill into any wetlands. In addition, applicants executed Forms AD-1026 Highly Erodible Land Conservation (HELIC) and Wetland Conservation (W) Certification, on March 7, 2019, to certify compliance with the highly erodible land and wetland conservation provisions. See Appendix M.

Soils

Soils are eliminated from detailed analysis because the land, while determined NHEL are not currently nor would be cropped in the future and therefore not subject to the Highly Erodible Land provisions of the Food Security Act. See Appendix N.

Noise

Effects on noise were eliminated from detailed analysis. There are no state or local noise ordinances with which the operation would be out of compliance. The increase in noise level during construction would be temporary, resulting from operation of heavy equipment during normal working hours. Construction of a facility of this type would typically take 1 month from start to finish. The facility is in a very rural area with significant areas of forest around it.

Customer traffic to the facility would occur during normal working hours. Ambient noise levels in the vicinity of the facility would increase during operations due primarily to processing equipment in the buildings. Sound levels will be controlled as warranted by use of the sound barrier of existing trees, maintaining noise within acceptable levels in accordance with Environmental Noise Standards.

Important Land Resources

Prime and unique farmland, forestland and rangeland resources are eliminated from detailed analysis because the proposed action would not result in significant 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.

3.2 Resources Considered with Detailed Analysis

This section describes the environment that could potentially 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.

3.2.1 Wildlife and Habitat

Existing Conditions

The site of the proposed action is characterized by grass yard. Wildlife typical of such areas include migratory birds, deer, turkey, etc. A site visit was conducted by FSA. See Appendix B for photograph.

A list of threatened and endangered species and designated critical habitat for site area was obtained from the US Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system. (See Appendix D). The following threatened species are known to reside in the county: Northern Long-eared Bat and Bog

Turtle. There is not any designated critical habitat for these species in the proposed area. Impacts would not be significant. No effect was noted.

FSA consulted with the USFWS, on January 23, 2019, regarding the potential of the proposed action to affect threatened and endangered species. USFWS official response states that there are no critical habitats or refuges or fish hatcheries within the proposed area.

The Northern Long-eared Bat only requires consideration in federal projects involving tree clearing equal or greater to 15 acres. This project does not include any tree clearing, requiring no further consideration. See Appendix D for agency correspondence.

Department of Natural Resources was consulted regarding the presence of the Bog Turtle on 03/08/2019. The Bog Turtle is recorded in areas downstream, within the drainage area of the project. The potential for impact would exist in storm events transporting sediment.

Appropriate sediment and stormwater management plans are required for this construction project to mitigate and minimize impact.

Impacts of Proposed Action

The proposed action would result in the clearing of approximately .6227 acres of land, all of it currently grass yard. There are no trees that will be affected by the project.

No significant impacts to Wildlife and Habitat are expected to result from the proposed action.

3.2.2 Cultural Resources

Existing Conditions

Because the proposed action involves ground disturbing activities in areas not previously evaluated or previously disturbed to the depth required for the proposed action, cultural resources requires detailed analysis. A site visit was conducted on September 5, 2019, by Leah Petersen, FSA Farm Loan Manager. See Appendix B for notes and photograph.

FSA consulted with the Maryland Historic Trust (SHPO) through the Maryland Clearinghouse, Maryland Department of Planning on July 11 , 2018, by providing the location and details of the proposed action. FSA consulted separately with Delaware Tribe Historic Preservation and Delaware Nation, on July 11, 2018, and later Seneca-Cayuga Nation was consulted February 25, 2020, all provided with the same details of the proposed action. See Appendix E for details.

Impacts of Proposed Action

Based on the consultation, MHT determined that the project will have “no effect” on historic properties and that federal and or state historic preservation requirements have been met. Consultation with Delaware Nation determined that they can concur with the plan as proposed. No response was provided by Delaware Tribe Historic Preservation. Seneca-Cayuga Nation also did not respond to the consultation. Impacts to previously unidentified historic properties, including archaeological and historic resources, could occur during land clearing and construction. If such resources were to be encountered, all activities would stop, FSA state and national office personnel would be notified, and the resources would be professionally evaluated for eligibility for listing on the National Register of Historic Places.

3.2.3 Water Quality

Existing Conditions

In the State of Maryland, the Maryland Department of Environment 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 them by the Environmental Protection Agency.

Maryland Department of the Environment issues Storm-water National Pollutant Discharge Elimination System (NPDES) Permits to protect surface waters from contamination from runoff associated with construction. Coverage under the 2014 General Permit is required for construction that causes ground disturbance in excess of 1 acre. Projects that will ultimately disturb one acre or more must obtain a General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance on the first part of the project. All projects should seek coverage under the General Permit rather than an Individual Permit unless otherwise directed by MDE. Storm Water Pollution Prevention Plans (SWPPP) are documents that describe construction activities to help prevent storm-water contamination, and control sedimentation and erosion, in order to prevent significant harm to surface waters and comply with the requirements of the Clean Water Act. MDE is also responsible for issuing Non-stormwater NPDES Permits issued to facilities that discharge water.

Maryland Department of Environment is also responsible for developing and implementing the State Water Plan, the state's policy for long-term water management, and for the State's Non-point Source Pollution Management Program. The State Water Plan describes each of the state's river basins. MDE 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 certified planner or certified consultant that assists landowners and operators in the proper management and utilization of nutrient sources for maximum soil fertility and protection of state waters. MDE requires NMPs for farms that plan to land apply litter, sewage sludge, or commercial fertilizer within the state of Maryland.

The Little Falls 1 is a tier II stream and lies approximately 1-2 miles from the proposed action, with the project within the catchment, the 02130805 watershed. Per Maryland 303(d) the watershed is listed as impaired, due to biological impacts.

Impacts of Proposed Action

The proposed action would disturb <1.0 acre of land. The owner is working to and will submit required paperwork to the Baltimore County Department of Permits Approvals and Inspections, to be granted coverage under Stormwater NPDES Standard Permit, following a prescribed Storm Water Management plan for the construction of the proposed building. With adherence to the best management practices described in the SWPPP, no impacts to surface water from the proposed construction are anticipated. The farm does not discharge into waters of the state and therefore no impacts to state surface waters are anticipated. There are no livestock present on the farm, so no nutrient production. The operation will be compliant with MDE requirements in order to be protective of surface water quality.

The farm has an updated NMP which outlines where nutrients would go and describes the conditions under which nutrients can be applied in order to be protective of surface water quality. See Appendix C for NMP.

No significant impacts to water quality are anticipated to result from the proposed action.

3.2.4 Air Quality

Existing Conditions

The site of the proposed action lies in Baltimore County in a rural area. The surrounding area (within 5 miles) consists of wooded land, other agricultural operations, cropland, and residential areas. The area is currently open grass yard. Baltimore County requires a 75' setback from the road right of way and 35' back and side setback. See Appendix P.

Baltimore County Maryland is considered by EPA to be in a nonattainment status for Ozone. The State of Maryland filed a State Implementation Plan with EPA to address the nonattainment status and is pending response.

On March 23, 2018, the Consolidated Appropriations Act, 2018 (Omnibus Bill), was signed into law. Title XI of the Omnibus Bill, called the "Fair Agricultural Reporting Method Act" or "FARM Act" exempts the reporting of "air emissions from animal waste at a farm" under CERCLA. EPA interprets the statute to exclude farms that use substances in "routine agricultural operations" from reporting under EPCRA section 304. This is a non-livestock operation and as such, is recognized by EPA as operations "not normally perceived to be large sources of air emissions". The EPA has recognized there is currently no generally accepted methodology for estimating emission quantities from livestock waste and acknowledges that releases fluctuate widely based on varying conditions (seasonality, weather conditions, facility age and type of construction, age of livestock, periods held, etc). Other emissions in the form of greenhouse gases produced by agriculture are primarily the result of the use of fossil fuels in running livestock facilities (electricity, heating, ventilation) and the use of trucks and other equipment (generators, tractors) on farms and are not reportable.

Maryland's Right to Farm Law, Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 5-403, protects farms that have been in "operation continued for 1 year or more. -- If an agricultural operation or silvicultural operation has been under way for a period of 1 year or more and if the operation is in compliance with applicable federal, State, and local health, environmental, zoning, and permit requirements relating to any nuisance claim and is not conducted in a negligent manner".

Baltimore County, Maryland also has a local Right to Farm Law. Per § 24-2-102. - ACTIVITIES AND LAND USES AUTHORIZED IN STATE AGRICULTURAL DISTRICTS. "Agricultural uses are the preferred uses in state agricultural districts and shall be afforded the "Right to Farm" as specified in 1A03.8 of the Baltimore County Zoning Regulations."

§ 1A03.8. - Inconveniences arising from agricultural operations. [Bill Nos. 113-1992; 107-1994; 62-2017 ^[3]]

Any dwelling, business or use in or near an R.C. 2 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all federal, state or County health or environmental requirements; except that during the period between 10:00 p.m. and sunrise as defined by the National Weather Service for sunrise on the particular day in the Baltimore area, an agricultural operation may not fire or otherwise discharge an air cannon or similar device that releases a loud shotgun-like blast within 500 feet of an adjacent residential dwelling. See Appendix O.

When non-agricultural land uses extend into agricultural areas or exist side-by-side, agricultural operations may become the subject of nuisance complaints and lawsuits due to the lack of information about such operations. As a result, agricultural operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural improvements to the detriment of agricultural uses and the economic viability of the County's agricultural industry. It is the purpose of this Ordinance to reduce the loss to the County of its agricultural resources by clarifying and limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass or other interference with the reasonable use and enjoyment of land, including but not limited to smoke, odors, flies, dust, noise, chemicals, or vibration; provided that nothing in this Ordinance shall in any way restrict or impede the authority of the State and of the County to protect the public health, safety and welfare, nor shall it restrict or impair private covenants.

Impacts of Proposed Action

Potential air quality effects considered here include odor, dust production, and emissions which may be associated with construction activities. However, the ongoing operations of the farm will be minimally changing.

The proposed action is located in a rural area at distance of approximately 1.5 miles from the closest town or public building and is required to be approximately 100 feet from a dwelling. The closest dwelling appears to be over 400 feet from the proposed operation.

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. Exposed soils would 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.

On-going operation of the farm, roads will be used more frequently by proposed customers and potentially supply trucks. The roads are currently graveled to minimize dust which will also address any additional traffic. Minimal dust will be generated by the brewery facility itself, to the existing operation beyond traffic dust.

Odor and emissions would be controlled through nutrient management. There are no livestock involved in this operation. Any land application or nutrients, regardless of location, is subject to related provisions of site-specific nutrient management plans which restricts applications to limited windows of time, weather conditions and setback requirements in keeping with state permitting and management plan provisions, as appropriate.

The magnitude of the contribution of the proposed action on greenhouse gases would be miniscule in comparison to total annual greenhouse gas emission in the US.

Dilution of odors, dust and emissions is caused by their mixing with ambient air and is a function of distance, topography, and variances in meteorological conditions. Prevailing winds are from the northwest and would serve to facilitate their dispersion. Tree and grass buffers would also serve to buffer neighboring properties. Based on the climate, there would be a few days in the year when weather conditions and humidity may cause odor, dust and emissions to linger in the vicinity. Such impacts would be irregular and infrequent in nature, of brief duration and are not expected to be significant.

Cumulative Impacts

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 Council on Environmental Quality 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).

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 impact 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 4.1 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.

3.3 Past, Present and Reasonably Foreseeable Actions

Analysis of the cumulative impact is forward looking and focuses in Central Maryland which includes the area 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.

Central Maryland is known for its agricultural production. Crop production has been essential for this area for many decades and while hops are not as common in Maryland overall, it has become a more popular agricultural commodity, with the growing presence of local breweries in the area. It appears that hops production will continue to be an essential component of the central Maryland agricultural industry.

3.4 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. 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 that 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.

3.4.1 Wildlife and Habitat

Contributions of the proposed action to cumulative impacts do include removal of existing vegetation and the loss of wildlife habitat. The site is currently grass yard which could provide some value as wildlife habitat. The 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. This would include the addition of residential and commercial development, as well as construction of roads. Based on the Department of Natural Resource consultation, there are records for the federal and state-listed threatened Bog Turtle documented downstream within the drainage area of the project. Appropriate sediment and erosion control measures will be taken to minimize any impact to the wetland habitat. The proposed action is not anticipated to result in long-term or adverse impact to the threatened or endangered species or their habitat. No cumulative impacts are anticipated based on program requirements.

3.4.2 Cultural Resources

Based on program requirements, which call for coordination and consultation with the State Historic Preservation Office, no impacts to known cultural resources are expected to result from the proposed action. There is the potential for encountering unknown cultural resources during construction or ground disturbing activities. 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.

3.4.3 Water Quality

During construction or ground disturbing activities 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 to water quality would add to impacts that already occur from residential, municipal, and commercial development, particularly the use of septic systems, as well as runoff from roads and development, and agricultural production. However, once the disturbed areas are revegetated or otherwise stabilized, no impacts to water quality would be expected. Since there would be no long-term effects to water quality, the proposed action is not expected to contribute significantly to cumulative effects to water quality.

3.4.4 Air Quality

Dust and greenhouse gases would be generated from soil disturbance and equipment usage during construction or activities involving ground disturbance, and during operation as a continued result of equipment use, the use of delivery trucks, or other mechanized systems for movement of supplies or materials. Such impacts would be of brief duration, minor, intermittent, or localized.

The EPA signed a rule on June 30, 2016 designating certain areas non-attainment for the 2010 SO₂ NAAQS. One of these areas is in Maryland. Specifically, it is the area within 26.8 kilometers of Raven Power Fort Smallwood, LLC's Herbert A. Wagner Power Plant, Unit 3 stack, which is located at 39.17765N Latitude, and -76.52752W Longitude in portions of both Anne Arundel County and Baltimore County. The project is over 50 miles from where the violations are registered.

Impacts of dust would add to other sources in the area including potential livestock operations and fields fertilized with manure. The dust and odor impact of the proposed action would be an intermittent occurrence of minor intensity and an inherent characteristics of accepted agriculture practices in rural areas. As the impacts of the proposed action would not be expected to have a significant effect on a widespread geographical area beyond the vicinity of the farm property, they would not contribute to significant cumulative impacts.

3.5 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 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 or soil and ground disturbance, which are limited based on the size and scope of the proposed project.

4. LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

List of Preparers	
Name and Title: Leah Petersen, Farm Loan Manager	

Persons and Agencies Contacted	
Name and Title	Affiliation
Email: Maryland Clearing House	Maryland Department of Planning & Zoning
Online Request	US Fish & Wildlife Service
Lori Byrne	Department of Natural Resources
James Brewer	Natural Resource Conservation Service
Gris Batchelder	Baltimore County Dept of Environmental Protection
Elder Ghigiarelli	Wetlands & Waterways Maryland Dept. of the Environment
Kim Penrod	Cultural Resources Director
Susan Bachor	Delaware Tribe Historic Preservation
William Tarrant	Seneca-Cayuga Nation
Marianna Eberle	MDE Source Protection & Appropriation Division

5. REFERENCES

Baltimore County, MD Right to Farm Ordinance:

https://library.municode.com/md/baltimore_county/codes/zoning_regulations?nodeId=ZONING_CODE_ART1ARECOZO Accessed: 03/05/2019

Baltimore County, MD My Neighborhood Property:

<https://bcgis.baltimorecountymd.gov/myneighborhood> Accessed: March 5, 2019

CBRS [Website]: <https://www.fws.gov/cbra/Maps/Mapper.html> Accessed: January 23, 2020

Council on Environmental Quality (CEQ 1997) Considering Cumulative Effects Under the National Environmental Policy Act. Memorandum

Council on Environmental Quality (CEQ 2005.) Guidance on the Consideration of Past Actions in Cumulative Effects Analysis. Memorandum.

EPA-Sole Source Aquifers for Drinking Water [Website]: <https://www.epa.gov/dwssa> Accessed: January 23, 2020

FEMA National Flood Insurance Program: Flood Hazard Mapping [Website]: <https://msc.fema.gov/portal/home> Accessed: March 7, 2019

Maryland Right to Farm [Website]:

<https://mda.maryland.gov/SiteAssets/Pages/acrs/Maryland%20Right%20To%20Farm.pdf>
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MD Real Property- Department of Assessments and Taxation: <https://sdat.dat.maryland.gov/RealProperty>
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National Park Service: The National Natural Landmarks Directory [Website]:

<https://www.nps.gov/subjects/nnlandmarks/nation.htm> Accessed: January 24, 2020

National Park Service: The Nationwide Rivers Inventory (NRI) [Website]:

<https://www.nps.gov/ncrc/programs/rtca/nri/index.html> Accessed: March 7, 2019

United States Department of Agriculture (USDA) Farm Service Agency (FSA). 2016. FSA Handbook Environmental Quality Programs for State and County Offices. Short Reference 1-EQ (Revision 3). November 4, 2016.

USFWS 2015. IPaC-Information, Planning and Conservation System. Listed and Sensitive Species in Baltimore County, Maryland. [Website] U.S. Fish and Wildlife Service Environmental Conservation Online System. Available online at: <https://ecos.fws.gov/ipac/project/5XEUJWQENFHMRANK6MFATFVNTE>
Accessed: January 23, 2020

Wild and Scenic Rivers [Website]: <https://www.rivers.gov/map.php> Accessed: March 7, 2019

Maryland Department of Environment: Air Management

<http://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx>

6. EA DETERMINATION AND SIGNATURES

ENVIRONMENTAL DETERMINATION – The FSA preparer of the EA determines:

- 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.
- 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

- 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 proposed action 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: Leah M. Petersen	

Environmental Determination – FSA State Executive 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: Laura Pleasanton	