

U.S. DEPARTMENT OF AGRICULTURE  
FARM SERVICE AGENCY

**DRAFT**

**ENVIRONMENTAL ASSESSMENT**

403 Barclay Road

Queen Anne's County, MD

Tax Map 0024 Grid 0001 Parcel 0031

Prepared By:

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Farm Loan Manager

April 17, 2020

## COVER SHEET

**Proposed Action:** The Farm Service Agency of the United States Department of Agriculture proposes to provide financing for the construction of three (3) 61' x 600' poultry houses, a 50' x 92' manure shed, a 40' x 60' pole building for the generator and pump room and related infrastructure required for permitting and a residence at 403 Barclay Road Barclay, MD 21607.

**Type of Statement:** This Environmental Assessment is 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 Queen Anne's County Soil Conservation District, who worked with the farm owner/operator in formulating an appropriate Comprehension Nutrient Management Plan (CNMP), and also approved the erosion and sediment control plan; the Queen Anne's County Department of Planning and Zoning who approves the building permit; the Maryland State Clearinghouse for Intergovernmental Assistance who consults with and request input from their cooperating agencies including but not limited to Maryland Departments of Natural Resources and Transportation. The Maryland Department of Planning and Zoning, Maryland Department of Environment, which is responsible for the General Discharge Permit (GD), Notice of Intent (NOI) as well as the Maryland Animal Feeding Operation Permit (MAFO); Maryland Historical Trust/State Historical Preservation Officer (SHPO); Maryland Department of Agriculture (Office of Resource Conservation), which provides support for the nutrient management program; Delaware Tribe of Indians Historic Preservation Office & Delaware Nation; DNR's Division of Soil and Water Conservation, which also encompasses those charged with Coastal Zone Management (CZM), and the U.S. Fish and Wildlife Service; Natural Resource Conservation Service (NRCS), which provides support for wetland determinations, as well as the United States Army Corp of Engineers (USACE).

**Contact Information:** Caroline County FSA Office  
9194 Legion Road, Suite 2  
Denton, MD 21629  
410-479-1202, ext. 2

**Comments:** The comment period will conclude thirty (30) days from the first date of publication. Send comments to the following address:

FSA, Farm Loan Programs  
9194 Legion Road, Suite 2  
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## **1.0 INTRODUCTION**

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### **1.1 Background**

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to approve a loan request for a direct loan financing by USDA FSA and guaranteed financing by a commercial lender. We propose to provide both direct and guaranteed financing for the construction of three (3) 61' X 600' poultry houses and a residence in Queen Anne's County, Maryland. If completed each of the 61' x 600' houses could house 48,800 chickens meaning that the total facility could have 146,640 live birds for each placement. The project would be located on +/- acres of cropland. The current total parcel of 172.89 +/- acres.

### **1.2 Purpose and Need for the Proposed Action**

The purpose of the loan would be to provide an opportunity for the applicants to continue to work for themselves and to be able to provide a more stable income for their family and contribute to ensuring an adequate source of protein for the nation. The establishment of the proposed poultry operation would contribute to the local economy and tax base as well as contribute to the nation's food supply in keeping with the USDA and FSA's mission as established by the Food Security and Con Acts. The proposed action would fulfill FSA's responsibility in working with commercial lenders in providing guaranteed financing to eligible participants.

### **1.3 Regulatory Compliance**

This Environmental Assessment is being prepared to satisfy the requirements of NEPA (Public Law 91-190, 42 United States Code 4321 et. Sq.); 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.

#### **1.3.1 Right to Farm**

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 Maryland is designed to protect agricultural operations, with an affirmative defense to nuisance suits. Queen Anne's County also has a right to farm original ordinance Bill No. 99-08. This operation would be protected since it is already an existing agricultural operation.

### **1.4 Public Involvement and Consultation**

#### **1.4.1 Public Involvement**

This document will be available for public review online only due to the COVID-19 pandemic. A notice of availability of the document has been published. Written comments may be submitted to Caroline County Farm Service Agency, c/o Farm Loan Programs, 9194 Legion Road, Suite 2, Denton, MD 21629.

#### **1.4.2 Agency Consultation**

USDA undertook the following efforts and research to aid in determining the potential impacts of the proposed action.

- 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 State Clearing House who in turn consulted the following agencies:
  - Maryland Coastal Zone Management Program as required by Section 307 of the Federal Coastal Zone Management Act (CZMA) of 1972,
  - Maryland Department of Environment as requested by the CZMA Maryland Department of Natural Resources
  - Maryland Department of Planning
  - Queen Anne's County
  - Maryland Historical Trust, State Historic Preservation Officer (SHPO) and the Delaware Tribe of Indians Historic Preservation Office/Delaware Nations to ensure the requirements of 54 U.S.C. 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed.
- NRCS provided documentation regarding highly erodible land, prime farmland, and wetlands.

## **2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Proposed Action**

The proposed action would construct three (3) 61' x 600' poultry houses, a 50' x 92' manure shed, a 40' x 60' pole building for the generator and pump room and related infrastructure and a residence on land that is currently cropland in Barclay, MD. 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 permits to minimize impacts to water quality. The following permits have been or will be obtained prior to construction and the applicant will operate under the requirements of the Nutrient Management Plan (NMP), National Pollutant Discharge Elimination System (NPDES) General permit for Stormwater Associated with Construction Activity, Erosion and Sediment Control Plan, General discharge permit for Animal Feeding Operations, and has also applied for the Maryland Animal Feeding Operations (MAFO) permit. The manure will be stored in a manure shed until it is exported by a local farmer and applied according to his nutrient management plan. Following these plans should result in minimal impacts to air and water quality. There are 3 alternatives to the proposed action being considered for this project. These alternatives were developed after careful consideration of the proposed project and determining the best possible location for the proposed project that would produce the least possible environmental impact. These alternatives represent a range of reasonable alternatives and compare the alternatives in terms of their potential environmental impact and their ability to achieve the purpose of the project.

### **2.2 Alternative A - No Action Alternative**

The no action alternative means that the proposed poultry operation would not be constructed. This would result in the continuation of the grain farming on the proposed site and no changes to the existing environment would occur. This is considered to be the existing situation.

### **2.3 Alternative B**

Moving the site location, or building on a different site within the property boundaries.

### **2.4 Alternative C**

Purchase an existing operation.

## **3.0 AFFECTED ENVIRONMENT AND IMPACTS**

### **3.1 Resources Eliminated from Detailed Analysis**

#### **3.1.1 Wildlife and Habitat**

The USFWS IPaC system was utilized to obtain an official species list for the Area of Potential Effect,

(APE). No federal endangered/threatened species or critical habitats are to be adversely impacted by the proposed project. The USFWS was contacted and the Agency has made a determination of “No Affect” to threatened or endangered species. USACE was also contacted to ensure no critical habitats were to be adversely impacted by the proposed project. It was determined that there should be “No Affect”. See Appendix E-1.

### **3.1.2 Cultural Resources**

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.

The Maryland Historical Trust and the Delaware Tribe of Indians Historic Preservation Office have provided no comment at this time. Delaware Nations concurred with the project. See Appendix F-1

### **3.1.3 Coastal Barrier**

Effects to coastal barriers were eliminated from detailed analysis because the area of Queen Anne’s County the proposed operation would be located in is not part of any designated coastal barrier areas. See Appendix G.

### **3.1.4 Coastal Zone**

This protected resource has been considered with detailed analysis under Section 3.2.3. See Appendix H.

### **3.1.5 Wilderness Areas**

Effects to wilderness areas were eliminated from detailed analysis. Maryland does not have any wilderness areas. FSA conducted a review of the public wilderness information website ([www.wilderness.net](http://www.wilderness.net)). The website provides interactive maps showing wilderness areas, of which no maps are available for Maryland. See Appendix I.

### **3.1.6 Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)**

Effects to Wild and Scenic Rivers were eliminated from detailed analysis. According to ([www.rivers.gov](http://www.rivers.gov)) Maryland does not have proposed or designated rivers within the Wild and Scenic Rivers System. The nearest waterway found on the National Rivers Inventory site ([www.nps.gov](http://www.nps.gov)) is the Chester River which is approximately 9.4 miles from the proposed project. The proposed project should not be visible, heard

or smelled from the river. See Appendix J.

### **3.1.7 National Natural Landmarks**

Effects to national natural landmarks were eliminated from detailed analysis because the nearest national landmark is Gilipin's Falls. This location is located over 46 miles from the project location. This landmark would not be impacted by this project. See Appendix K.

### **3.1.8 Sole Source Aquifers**

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

### **3.1.9 Floodplains**

Effects to floodplains were eliminated from detailed analysis because according to FEMA's FIRM: no panel available (Flood Insurance Rate Map) there are no floodplains located in the project area. See Appendix M-1.

### **3.1.10 Wetlands**

Effects to wetlands were eliminated from detailed analysis because there are no wetlands in the project area. See Appendix N-1.

### **3.1.11 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-1.

### **3.1.12 Water Quality**

This protected resource has been considered with detailed analysis under Section 3.2.1. See Appendix P.

### **3.1.13 Air Quality**

This protected resource has been considered with detailed analysis under Section 3.2.2. See Appendix Q.

### **3.1.14 Noise**

Effects to noise were eliminated from detailed analysis because the project would not create noise that would interfere with communication, is intense enough to damage hearing, or is otherwise annoying. 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. 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. See Appendix R.

### **3.1.15 Important Land Resources**

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

### **3.1.16 Socioeconomic Impacts and Environmental Justice**

The proposed action would 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 proposal would not change the population in the area; therefore it would not have any impact on the public, community schools, hospitals, social services, etc. Basic land use would not change; the property is currently zoned as agriculture. It is not expected that any significant long-term adverse impact would exist because of this project. There would be no adverse effect on the minority population of the community or on any residents who are low income. See Appendix T-1.

## **3.2 Resources Considered with Detailed Analysis**

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### **3.2.1 Water Quality: Surface Water & Ground Water**

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 would 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. Potential surface water impacts would be controlled by the implementation of design features of the facility such as manure handling areas, and the use of Best Management Practices (BMPs). Water quality control measures would 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. The operator would be required to follow the approved (CNMP) comprehensive nutrient management plan. This approved plan would allow the operators to sufficiently control any runoff from the operation so that water quality would not be adversely impacted. 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 the Comprehensive Nutrient Management Plan. The project is not located within a sole source aquifer recharge area. Wells will supply the water to the poultry houses and in the case of an emergency, water can be hauled in as a backup. See Appendix P.

### **3.2.2 Air Quality**

Emissions or degradation to air quality are not permanent in nature and would 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. 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 would only be for a short period of time. There will be no burning of construction material. Air quality control would be maintained during construction by developing and following fugitive dust control measures that would 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 would be addressed by the proper design and management of the facility. Design features would 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 would 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 would be implemented. Other air quality impacts associated with facility operation including emissions from a standby emergency generator would be limited by restricting the use of the generator to only periods when off-site power is unavailable or during testing and maintenance. See Appendix Q.

### **3.2.3 Coastal Zone**

The project is located in the Maryland 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 would be controlled by implementation of storm water BMP's that would be outlined in the county approved Storm Water Pollution Prevention Plan. Potential discharges to surface water during operation would be controlled through facility features, BMP's, and proper handling of wastes and poultry litter, which would be outlined in the approved nutrient management plan and conservation plan. See Appendix H.

## **4.0 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 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, the result of numerous projects in the same area or regions may cumulatively result in significant impacts. Cumulative impact analysis is subject to interpretation in analyzing the magnitude of impacts to a particular area or region. For this EA, the analysis area for cumulative impacts is the Eastern Shore of Maryland.

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

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: The Eastern Shore of Maryland is known for its agricultural production. Poultry has been essential for this area for many decades and has continued to be a major agricultural commodity in the area. Multiple poultry integrators are located and headquartered in the area. It appears that poultry production will continue to be an essential component of the Eastern Shore agricultural industry.

### **4.2 Cumulative Analysis**

No cumulative impacts were identified as a result of the project based on compliance with various plans and permits provided by the agencies.

#### **4.2.1 Water Quality: Surface Water & Ground Water**

Potential storm water impacts during construction and operation of the facility would be controlled by implementation of storm water BMP's that would be outlined in the county approved Storm Water Pollution Prevention Plan. Potential discharges to surface water during operation would be controlled through facility features, BMP's, and proper handling of wastes and poultry litter, which would be outlined in the approved nutrient management plan and conservation plan.

#### **4.2.2 Air Quality**

The proposed project has the potential to impact air quality, however, no impacts should occur, as long as best management practices are utilized. These practices are mandatory for CAFO operations.

### 4.2.3 Coastal Zone

Potential impacts to the coastal zone are mitigated to no impact per the state of Maryland which requires that an approved Comprehensive Nutrient Management Plan (CNMP) plan will be implemented. This approved plan will allow the operators to sufficiently control any runoff from the operation so that water quality will not be adversely impacted. 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).

### 5.0 LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

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<b>List of Preparers</b>	
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Susan Bachor	Delaware Tribe of Indians Historic Preservation Office
Erin Paden	Delaware Nation
Heather Nelson	Maryland Department of Environment: Wetlands and Waterways Division
Online Request/Trevor Clark	US Fish & Wildlife Service