U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

21315 Berlin Road, Unit 1
Georgetown, DE 19947

Class II
Environmental Assessment

Establishment of New Poultry Operation
Kent County, Delaware

Tax map and parcel
 # 8-00-13700-01-0519-00001

October 1, 2014 – Draft

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COVER SHEET

Proposed Action: The Farm Service Agency of the United States Department of Agriculture proposes to provide assistance for the construction of three poultry houses on a 21.47 +/- acre tract on the north side of Burnite Mill Road near Felton, Kent County, Delaware. The proposed construction area is currently cleared cropland. The property is further identified as being comprised of Kent County Tax Map and Parcel number 8-00-13700-01-0519-00001. The Environmental Assessment (EA) process includes provisions for public comment, which are considered and addressed by the Farm Service Agency in formulating a Finding of No Significant Impact (FONSI).

Type of Statement: This is a site-specific Class II Environmental Assessment performed in general conformation with the scope and limitations of the National Environmental Policy Act (NEPA). The objectives of the evaluation include, but are not limited to providing an objective opinion as to the environmental status or condition of the subject property and any potential risk or adverse impact of the proposed project on the human environment.

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 the project. Input and assistance are provided by USDA Natural Resource Conservation Service (NRCS), who perform wetland determination/delineations of farm properties; and the Kent Conservation District, who work with farm owner/operators in formulating an appropriate Comprehensive Nutrient Management Plan (CNMP). The Kent Conservation District worked with the owner/operator to formulate a Sediment and Erosion Control Plan/Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the Delaware Natural Resource and Environmental Control (DNREC) permitting process. A condition of approval will be that the Delaware Department of Agriculture's Nutrient Management Commission will be contacted by the farm owner/operator in regard to the requisite Notice of Intent (NOI) for Delaware's NPDES permit for animal feeding operations and s/he will submit application for coverage when project is underway, per DDA procedures. In addition, the Delaware State Historic Preservation Office, Delaware Coastal Zone Management Program, U.S. Fish and Wildlife Service, and Delaware Species conservation & Research Program were contacted as part of the environmental review process.

Further Information: Jennifer Feindt, Farm Loan Specialist
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Abstract (Summary): The project is needed to enable the farm operator to generate sufficient income necessary for self-support by entering into poultry production in a rural area of central Delaware. It has been proposed to construct three poultry houses on the property with a capacity of 44,800 birds per house, for a total farm capacity of 158,400 birds.

Comments: The public will be notified of the availability of both the draft of this environmental assessment and the final version/proposal of Finding of No Significant Impact (FONSI), and invited to comment.

Comments from interested parties regarding the environmental assessment (EA) should be directed to:

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While not required, it is recommended that comments be put in writing. The comment period will conclude fifteen (15) days from the date of last publication of the notice of availability of the assessment.

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1 Purpose and Need

The farm owner/operator will be based near Felton, Delaware on a 21.47 +/- acre farm tract. The need for the project under consideration is to enable the owner/operator to enter into poultry production on the property as a means to provide for his/her livelihood.

The farm owner/operator will engage in integrated poultry production with Allen-Harim, a well-respected local poultry integrator. Allen-Harim has agreed to place birds under contract in the new houses after they are completed. The project involves the construction of three 60' x 560' poultry houses and related infrastructure, thereby creating a total farm capacity of 134,400 birds. The farm owner/operator also has plans in place for construction of a manure shed on the farm, to address manure generated by the operation. The establishment of the proposed poultry operation will contribute to the local economy and tax base for which the poultry industry is a mainstay; as well contribute to the nation's food supply.

2 Primary Beneficiaries and Related Activities

The primary beneficiary of this project will be the farm owner/operator. The income produced by the project will allow the owner/operator to pay mortgage payments to the lender, pay operating expenses for utilities and supplies, as well as contribute to providing for reasonable and necessary family living expenses of the farm family to maintain a fundamental standard of living. The integrator will, in turn, provide additional employment for local people in jobs such as field representatives, feed mill operators, processing plant workers, and truck drivers. In addition, the increased volume of poultry production will help contribute towards providing a readily-available low-cost food supply for the American public.

3 Description of the Project Area

The project site is located on a tract of land containing approximately 21.47+/- acres, Kent County tax map #8-00-13700-01-0519-00001, located on Burnite Mill Rd. near Felton, Delaware. A tax map is included as part of this assessment and can be found in Appendix E. Surrounding lands are used for cropland, poultry farms, and residences. There are no known sensitive areas that this operation would affect, and currently there are a number of similar poultry operations in the area. A plat map of the subject property, illustrating the location of the proposed construction is included in Appendix E. Currently, the portion of the tract proposed for construction is cropland. As the construction area of tract is already cleared, there will be no tree clearing required to accommodate the new poultry facilities. The remaining acreage of the farm tract will remain undisturbed. The proposed poultry houses will be bordered on two sides by occasional trees.

The poultry construction site is in the rear center of the tract. The construction site will meet all applicable Kent County set back requirements. The property is currently adequately maintained farmland. A wetland determination will be completed by the

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Kent County NRCS, documenting that there is no wetland or highly erodible land that would be affected by the proposed production/construction area. The construction area is already cleared and the soil is non-wetland, and thus not subject to conservation provisions. The parcel is not located within a flood plain. The FEMA flood insurance rate map for the property can be found in Appendix E. There is currently a small pond on the tract which will remain undisturbed by the project. An additional pond will be developed to the east of the poultry houses as fill is taken for poultry house pad preparation. There are also tax ditches running down the eastern and northern property lines of the tract.

4 Alternatives Including the Proposed Action

4.1 Description: There are five alternatives 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 with two alternatives being eliminated from further analysis.

The following sections compare the alternatives in terms of their potential environmental impact and their ability to achieve the purpose of the project.

4.1.1 Alternative A – No Action Alternative: The no action alternative would consist of FSA not approving the request and thus, not allowing for the construction of the proposed poultry facility. This alternative would not allow the farm owner/operator to establish the poultry operation and would not afford him/her the opportunity to secure poultry income toward support of the farm family. This is considered to be the existing situation.

4.1.2 Alternative B – Proposed Action Alternative: Under the proposed action alternative, FSA would approve the request as proposed, allowing the establishment of the poultry operation at the desired location on the site, and allowing for the associated farm income for the farm owner/operator.

Alternatives Eliminated from Further Analysis

4.1.3 Alternative C - Eliminated from Further Analysis: Relocate on Current Property- The proposed construction site is located at the rear center of the tract, in the only portion of the tract large enough for the proposed operation. This portion of the property is already cleared and is the only area on the property which can accommodate the poultry houses due to the size/shape of the parcel. This location also places the houses at the furthest point from the ditch.

4.1.4 Alternative D - Eliminated from Further Analysis: Relocate on a Different Property –The farm owner/operator already owns the tract, so it is the most

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logical location. The availability and feasibility of purchasing a different tract is unknown in the local area. There are other similar poultry operations in the local area, the site is suited for such an operation, and there are no known environmental impediments to the proposed project. Without a specific location, description, and price of a different site, it is difficult to fully analyze potential impacts of the proposed project on that site. Regardless of the site, there are issues inherent to poultry production which would be similar to those on the subject site.

4.1.5 Alternative E- Eliminated from Further Analysis: Engage in a different form of Agricultural Production. The proposed construction area is currently cropland. The farm owner/operator has considered other potential enterprises to better utilize the real estate asset and generate income; however, none of these alternatives would achieve the intended purpose of the project as effectively as poultry, in which they are already experienced. No other option is as feasible or potentially profitable as the poultry operation for the area of the tract proposed for the operation.

4.2 Cumulative Effects: Any minor localized negative impacts this poultry operation may have on the human environment will be minimized by the proper implementation of the Comprehensive Nutrient Management Plan, adherence to all State and Federal guidelines, and obtaining and adhering to all applicable Federal, State, and/or County permits.

5 Environmental Impact

The following section examines the potential environmental impacts associated with the proposed action alternative. The no action alternative is considered the current condition and provides a baseline against which to evaluate the potential impacts of the proposed action.

5.1 Air Quality: The houses will be built in a location that meets or exceeds the set-back requirements from property lines as required by the County and the U.S. Environmental Protection Agency (EPA). There are no air quality laws to control air quality in rural Kent County. Odor from the poultry facility is not measurable and ambient hydrogen sulfide is not regulated in Kent County by DNREC. Open burning is strictly regulated by the state; and accordingly, the waste and refuse generated on site from construction or ongoing operations will be removed and not burned.

Dilution of odors is achieved through the mixing of odors with ambient air. This dilution of odorous air is a function of distance, topography, and meteorological conditions.

Topographical features can either enhance or reduce dilution of the odor, depending on the particular features. Wind breaks or tree lines like those already bordering the farm tract, will encourage mixing of the odorous air with clean air, and shall result in minimal

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intermittent local odor impacts. Based on the climate in the Mid-Atlantic portion of the United States, there may be a few days during the year where weather conditions can cause odor to hang in the area, but this will be a short-term non-significant impact.

The use of an NRCS-approved Comprehensive Nutrient Management Plan will reduce objectionable odors. Good management of the ventilation system within the poultry houses will aid in the reduction of humidity, which is a cause of objectionable odors. The houses will be equipped with cool cells, which will help reduce moisture problems, resulting in fewer odors. Litter will only be stored on the property in a temporary or emergency situation. The nutrient management plan addresses the proper handling of this stored litter. Bird mortality will not be incinerated, but rather handled by the more environmentally-friendly method of composting. The deceased poultry will be disposed of using an on-site composting structure built to NRCS specifications, and which when managed properly per the NRCS-approved Comprehensive Nutrient Management Plan, shall prevent the emission of significant objectionable odors associated with deceased poultry carcasses.

The emergency generator does not require a permit, will meet applicable EPA emissions standards, and will use only low-sulfur fuel. The existing woodland surrounding the tract will be preserved intact to provide a vegetative buffer.

Construction activities will generate minor localized dust problems that will be temporary in nature with no significant long-term impact on air quality after completion of the construction phase. If conditions become too dusty during construction, soil may be wet down to control fugitive dust. Short-term localized temporary air pollution will occur from the heavy machinery associated with constructing pads for the poultry houses. However, these emissions will not have a significant or long-term adverse impact on the local community or surrounding environment. Appropriate driveways will be installed to access the new poultry houses, using best management practices to allow for delivery trucks a few times per week and others to access the new poultry houses as needed, while minimizing dust impacts.

Existing air quality in Kent County is considered good, and will remain so after the proposed poultry operation is up and running. The houses will be cleaned-out per integrator standard practices or as-needed, with the removal of the top crust of litter between flocks of poultry. Dust generated while the poultry facility is in operation will occur mostly during feeding with the dust being controlled by internal systems in the houses and interior fans. Wood shavings and dry litter will be handled according to the approved nutrient management plan. The shavings and litter will be removed by a Certified Animal Waste Handler.

5.2 Water Quality: The project was reviewed to determine its potential impacts on both surface water and groundwater. The major concern with an AFO 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

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quality will not be adversely impacted. Wells will supply water to the poultry houses and water can be hauled in as a backup water supply in cases of emergency.

5.2.1 Ground Water: This farm will be operated under the site-specific best management practices set forth in the NRCS-approved Comprehensive Nutrient Management Plan. This is a dry litter operation and not a wet litter operation. Litter will be removed from the poultry houses by a certified nutrient handler and utilized as fertilizer on local cropland. The litter will be stored in accordance with the NRCS-approved Comprehensive Nutrient Management Plan in a fashion that prevents the litter from being leached by rain until it can be properly disposed of. 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 transported off-farm by certified persons to other local farms where it will be applied to cropland as fertilizer, according to the requirements of the receiving farm operator's nutrient management plan.

The farm owner/operator will obtain coverage under the NPDES CAFO permit program by filing a Notice of Intent (NOI) and providing a copy of the CNMP to the Delaware Nutrient Management Commission. This permit is a condition of final project approval.

5.2.2 Surface Water: There is currently a small pond on the tract. There will be another borrow pit/stormwater pond constructed to the east of the construction area, during preparation of the poultry house pads. There are also tax ditches running along the eastern and northern boundaries of the property. Adherence to the site-specific nutrient management plan will ensure that any local water bodies are not significantly adversely impacted by the proposed poultry operation, in that it is required to meet specific technical standards designed to minimize the transport of nitrogen and phosphorus to surface water. Since the proposed construction project will disturb more than 5,000 sq. ft. of land, the farm owner/operator was required to obtain a Storm Water Pollution Prevention Plan/Sediment and Erosion Management Plan. While EPA regulations require the plan and associated construction permit and monitoring, these regulations are supervised by DNREC in the State of Delaware, with the assistance of the county conservation districts. The applicant worked with the Kent Conservation District to formulate an appropriate site-specific plan, which was submitted to DNREC along with a Notice of Intent (NOI) to discharge storm water runoff from the construction activity. DNREC acknowledged receipt of the NOI and concurred with the District's plan approval. The approved plan outlines special instructions/practices applicable for the project to proceed. Contractors performing the site disturbance must have certification of training from DNREC, commonly known as Blue Card Certification. Throughout construction, the plan must remain on site, and the owner or owner's representative must maintain a weekly log of self-inspections of erosion and sediment controls and storm water management facilities on the site. The local Conservation District may choose to

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require a Certified Construction Reviewer (CCR) for the site during construction. Upon completion of the project and stabilization of the disturbed area, a Notice of Termination (NOT) must be submitted to DNREC. It will be a condition of loan approval that the farm owners/operators must abide by the site plans and the associated permit conditions.

5.2.3 Sole Source Aquifer: There are no sole source aquifers on this property.

5.3 Solid Waste Management: Semi-solid waste will be generated from the poultry production in the form of litter. Litter is the animal waste mixed with wood shavings. The litter will be cleaned out periodically per the integrator's schedule, with the material to be handled and stored in accordance with the NRCS-approved Comprehensive Nutrient Management Plan. All litter will be removed from the poultry houses by a Certified Animal Waste Handler, using appropriate safeguards and maintaining records of its disposition, and used as fertilizer on cropland in the local area. The deceased birds will produce solid waste, which will be disposed of in an on-site dead bird composting structure, per the specifications of the nutrient management plan. This is not a liquid waste operation. Non-nutrient solid waste generated during construction or during production, such as construction debris or human-generated refuse, will be collected in an appropriate refuse container and transported off-site to an appropriate facility for disposition. No refuse will be burned or buried on the site.

5.4 Land Use: The Farmland Protection Policy Act (FPPA) requires that Federal agencies consider alternative sites when applicant's proposal would result in the conversion of important farmland to nonagricultural uses. The United States Department of Agriculture Regulation 9500-3, Land Use Policy, addresses the conversion of other land resources such as prime rangeland and prime forestland.

The project site is appropriately zoned for agricultural use. The land where the new poultry houses will be constructed presently consists of cleared cropland. The land is presently not considered important farmland, prime rangeland, or prime forestland. Therefore, the project will not adversely impact any of these important land resources. Approximately 8 acres of the tract will be disturbed to complete the project; which includes the poultry houses, manure shed, borrow pit/pond, and driveways. The remaining acreage will remain undisturbed.

5.5 Transportation: Traffic volume in the immediate project area is not expected to change due to the proposed poultry operation. There are similar farms in operation in the local area; so feed trucks, delivery vehicles, and related traffic are already visiting the area on a regular basis. Currently, trucks and vehicles of all types regularly travel the county roads near the proposed project area and the minimal additional traffic added to these county roads by the expanded operation is not considered excessive.

Trucks will make several visits to the property each year to deliver new chicks and to transport grown poultry to the processing plant. Feed delivery trucks will make regular visits to the farm each week while birds are in cycle to deliver feed. Trucks will use the

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existing public roads. No new traffic patterns will be developed and no new upgrades of county roads will be needed. Existing bridges will be sufficient to handle the volume of truck traffic associated with this proposed project. The proposed action will not significantly adversely impact human health and safety.

5.6 Natural Environment: The proposed project consists of three new poultry houses, a manure shed/composter, and a generator shed; and leaves the surrounding area undisturbed. There is no clearing required for this project. There are similar poultry farms and rural residences in the local area. The project site does not have a National Natural Landmark, nor is it within a State-protected wetland, forestland, or wildlife area. Wildlife movement around and near this operation will not be adversely impacted.

5.7 Human Population:

5.7.1 Social-economic Impacts: This project will not adversely impact the human population in the area. No new people will be relocated to this area. The proposal will not increase population in the area, and therefore will not have any impact on community schools, social services, etc. It is not expected that any significant long-term adverse impact will exist because of this project.

5.7.2 Environmental Justice: This proposed operation has been reviewed to ensure that all people without regard to race, color, national origin, or income:

- are provided with fair treatment and meaningful involvement with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies
- have the opportunity to express comments or concerns before decisions are rendered on the Federal programs, policies, procedures, or activities affecting them
- share in the benefits of, are not excluded from, and are not adversely or disproportionately affected by Federal programs, procedures, policies, or activities.

This project will have no significant adverse impact on the above or the surrounding properties near the subject farm. The type of operation being considered is in keeping with current zoning regulations and there will be no change in land use as agricultural. No one is being displaced from their jobs because of the project. The area has a small minority population and the median income per household in the local area is greater than the 2012 Federally-established poverty levels. This project will not displace minorities or lower income families in the area. Key Census data for Felton, Kent County, Delaware is included in Exhibit E, as well as a chart of the 2012 Federally-established poverty levels.

The following adverse environmental or human health effects have been considered:

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- Bodily impairment, infirmity, illness or death: This operation causes no concern for adverse affects on anyone outside the farm family that will operate the poultry farm. Personal safety should be a top priority for the farm operators.
- Air, noise, and water pollution and soil contamination: This farm will operate under an NRCS-approved comprehensive nutrient management plan that provides guidance for the operation to guard against any potential for water or soil contamination. The farm will operate in compliance with the CAFO Notice of Intent (NOI) filed with the Delaware Nutrient Management Commission, which is the agency tasked by the Delaware Department of Natural Resources and Environmental Control (DNREC) and EPA with implementing and monitoring NPDES permitting and compliance enforcement. The construction phase of the project will be conducted in compliance with the DNREC-approved Sediment and Storm Water Plan, and its associated construction activity general permit and monitoring requirements, to mitigate potential risks of storm water runoff during construction activities. No significant long-term air, noise or water pollution and soil contamination impacts are anticipated.

- Destruction or disruption of manmade or natural resources: None.
- Destruction or diminution of aesthetic values: None.
- Destruction or disruption of public and private facilities and services: None.
- Destruction or disruption of community cohesion or economic vitality: This operation will not employ anyone outside the family; therefore, it will not destruct or disrupt community cohesion or economics.
- Displacement of persons, businesses, farms, or nonprofit organizations: None.
- Isolation, exclusion, or separation of individuals within a community or from the broader community: None.
- The denial of, reduction in, or significant delay in, the receipt of benefits of USDA programs or activities: Delay or denial of this request will have a negative financial effect on the farm owners/operators, as rising costs of equipment and materials will be costly if approval is not expedient.

This farm is similar to other poultry farms in an area that is populated with numerous similar operations. The property is currently adequately maintained, cleared cropland. This project will have no negative environmental impact on the surrounding community. This is an undertaking project that will not affect any historical properties. The proposed action will not cause any adverse human health or environmental effects to minority or low-income communities, in accordance with Executive Order 12898.

5.8 Construction: This project will involve the construction of three 60’ x 560’ poultry houses and related infrastructure. Some minor localized soil will be disturbed for the installation of the pads, driveways, and house footers, but will be short-term and not significant. Pads will be constructed of fill dirt and compacted to support the poultry

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houses. The USFWS recommends obtaining a Section 404 permit if the project would place any dredged or fill material into U. S. waters, in accordance with the Clean Water Act (CWA). There will not be any such material placed into waters of the U. S. due to this project. The construction will not have any effect on any navigable waters or produce significant erosion impacts, in accordance with the CWA. A storm water plan and permit will be followed to control site runoff of rain water during construction, in accordance with Federal and State guidelines. No temporary stream rerouting or diversion will occur as a result of this project. There will be minor localized temporary air quality and noise impacts associated with the brief period of construction; however, it will be short-term and no greater than typical agricultural construction projects of this scale.

5.9 Energy Impacts: The project will utilize moderate amounts of energy during operation. The energy used will be electricity, propane, and diesel fuel for the generator on the farm. Existing power lines are adequate to handle the electrical load utilized by the proposed operation. Power outages sometimes occur due to weather; however, outages rarely occur because of over usage. The poultry houses will have a backup generator that will be capable of operating the houses, should there be a temporary loss of electrical power in the area. The generator will be high-efficiency, low emissions, and utilize only low-sulfur fuel.

5.10 Special Issues

5.10.1 Noise: Noise issues were reviewed based on both temporary and long-term impacts. Some construction noise will be generated during the construction of the poultry houses. This noise will be localized, occur only during daylight hours, and should only last approx. 3-6 months. Additionally, based on the level of construction associated with poultry houses, the noise levels should not be significantly disturbing to surrounding landowners.

During operation of the proposed project, some noise will occur from occasional use of the generator. However, this will only occur during power outages and approx. once per week for 10-15 minutes for preventative maintenance. Some noise will occur from the poultry, but the houses will be in compliance with applicable County property line set-back laws. Some noise associated with truck traffic is expected, but will occur on an infrequent basis as feed is delivered and poultry is transported to and from the farm. The additional traffic and noise generated by the operation of the poultry houses is not considered significant. The poultry houses are insulated by trees on all sides. Trees near the poultry houses help mitigate the intermittent noise levels to a decibel-level that would not produce long-term significant human health impacts.

5.10.2 Aesthetic Considerations: The proposed poultry houses will be constructed in compliance with all applicable county zoning ordinances and set-back requirements, following best management practices and industry standards. The proposed operation will not produce any significant aesthetic impact. Poultry

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houses are a common fixture in the Delaware landscape, and it is not unusual to see poultry houses in the subject area.

6 Coastal Zone Management Act

The entire state of Delaware is included in the Coastal Zone Management Area, thus this project is located within a Coastal Zone Management Area. As part of FSA's environmental processes, the Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program has been contacted regarding the proposed project to determine consistency with the policies of the Coastal Zone Management Program.

7 Historic Preservation Regulations

A review of the National Register of Historic Places did not indicate any listed properties within the Area of Potential Effect of the project. Delaware State Historic Preservation Officer (SHPO) concurrence has been requested.

8 Wild and Scenic Rivers

The project will not impact a designated wild or scenic river or portion thereof, since there are no wild and scenic rivers in the project area. A check of the National Rivers Inventory indicated no listed rivers flow through the property.

9 Threatened and Endangered Species

Section 7 of the Endangered Species Act (ESA) requires that for every proposed project, FSA must make a determination whether the action may affect a listed species or its habitat. The U.S. Fish & Wildlife Service and the DNREC Species Conservation & Research Program were contacted to ensure that no threatened or endangered species are present on the site or would be affected by the proposed activity. Endangered species listed for Delaware, per the Federal Fish and Wildlife Service website, include several species of sea life; such as the sea turtle and humpback whale, which would by nature not be found in the inland subject area. Other endangered or threatened land-based species listed as potentially located in the state include: American Burying Beetle, Eskimo Curlew, Piping Plover, Eastern Puma, Delmarva Peninsula Fox Squirrel, Bog Turtle, Gray Wolf, Seabeach Amaranth, American Chaffseed, Canby's Dropwort, Sensitive Joint-vetch, Swamp Pink, and the Small-whorled Pogonia. Proposed threatened listed species include the Red Knot; however, they typically utilize the Delaware Bay coastal areas when in the state, rather than nearby inland areas. The swamp pink is also shown as possibly in the area; however, this plant is usually found in wet areas, such as the wooded areas on the property, which will not be disturbed. The entire listing can be found in Appendix E. No listed threatened or endangered species are identified as being present on the subject site. USFWS and DNREC SC&R Program concurrence has been requested.

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Effective August 8, 2007, the U.S. Fish & Wildlife Service delisted the bald eagle from the list of threatened and endangered species in the lower 48 states. Despite this action, the Service advises that should the project have the potential to cause disturbance to the bald eagle, the National Bald Eagle Management Guidelines must be adhered to. There is no evidence of bald eagle presence on the subject property.

Based on these findings, FSA has determined that this project will not affect a listed endangered or threatened species or critical habitat; it will not adversely affect critical habitat for a proposed endangered or threatened species; it will not cause disturbance to the bald eagle; and it will not jeopardize the continued existence of a proposed, endangered, or threatened species.

10 Farmland Protection

This proposed project will not convert any important farmland to a non-agricultural use and is therefore exempt from the provisions of this act.

11 Flood Plain Management and Protection of Wetlands

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) confirms that the proposed project will not be located within a 100-year floodplain. The FEMA FIRM for the subject property is included in Appendix E.

According to information supplied by NRCS and the National Wetlands Inventory, the proposed site for the new poultry houses is not comprised of wetlands. Based on this determination, it appears that the proposed project will not violate the requirements of section 363 of the Consolidated Farm and Rural Development Act, which does not allow FSA funds to be used to convert or manipulate wetlands.

12 Coastal Barrier Resource Act

The project is not located within the Coastal Barriers Resource System.

13 State Environmental Policy Act

The project will be operated under a nutrient management plan approved by NRCS and in compliance with Title 7 Natural Resources and Environmental Control Delaware Administrative Code and the related Section 2248 of the State of Delaware Nutrient Management Law. As a condition of loan approval, the farm will be covered by NOI and related Delaware NPDES CAFO permit established in accordance with the provisions set forth in the memo of understanding (MOU) executed between the EPA's authorized agent, the Delaware Department of Natural Resources and Environmental Control, and the Delaware Department of Agriculture's Nutrient Management Commission. Copies of supporting documents can be found in Appendix E.

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14 Consultation Requirements of EO12372, Intergovernmental Review of Federal Programs

Consultation requirements of EO 12372 do not apply in this case because there are no local regulations or agencies that affect this type of operation in a rural setting.

15 Environmental Analysis of Participating Federal Agency

No other Federal agency is involved in the environmental analysis concerning the proposed project.

16 Reaction to Project

There have been no adverse reactions to the proposed project from the parties consulted. A 15-day public comment period is provided for upon advertisement of the availability of draft EA, and again upon findings reflective of a FONSI/availability of the final EA. Typical reactions are those consistent with similar poultry operations; which cite resource areas of concern such as noise, air quality, water quality, and transportation issues. FSA carefully considers these issues in formulating a FONSI and Final EA. All Federal, State, and County construction or other permit criteria will be implemented, along with an NRCS-approved nutrient management plan and DNREC-approved sediment/storm water management plan to ensure to the extent possible, the protection of the human environment. There is nothing to indicate the project will not be in full compliance with all applicable environmental laws and regulations.

17 Adverse Impact

It is FSA's position that there will be no significant adverse impacts on the human environment from this proposed project.

18 Mitigation Measures

Mitigation measures have been identified throughout this assessment in the various areas of impact. These measures have been agreed to by the operators and the appropriate State and Federal Agencies, and will be part of FSA loan making conditions. Adherence to the approved nutrient management plan will mitigate any potential problems that have been identified throughout this assessment. This, along with the implementation of industry best management practices, is appropriate mitigation for agricultural construction projects similar in nature to the proposed project.

19 Consistency with FSA Environmental Policies

This project appears to be consistent with the environmental policies of 1-EQ.

DRAFT

20 Environmental Determinations

The following recommendations shall be completed:

(a) Based on an examination and review of the foregoing information and such supplemental information attached hereto, I recommend that the approving official determine that: (☐) This project will have a significant effect on the quality of the human environment and an Environmental Impact Statement must be prepared. (☒) This project will not have a significant effect on the quality of the human environment.

(b) I recommend that the approving official make the following compliance determinations for the below-listed environmental requirements.

Not in Compliance	In Compliance	
☐	☒	Clean Air Act
☐	☒	Federal Water Pollution Control Act
☐	☒	Safe Drinking Water Act - Section 1424 (e)
☐	☒	Endangered Species Act
☐	☒	Coastal Barrier Resources Act
☐	☒	Coastal Zone Management Act - Section 307(c) (1) and (2)
☐	☒	Wild and Scenic Rivers Act
☐	☒	National Historic Preservation Act
☐	☒	Archaeological and Historical Preservation Act
☐	☒	Subtitle B, Highly Erodible Land Conservation and Subtitle C, Wetland Conservation of the Food Security Act
☐	☒	Executive Order 11988, Floodplain Management
☐	☒	Executive Order 11990, Protection of Wetlands
☐	☒	Farmlands Protection Policy Act
☐	☒	Departmental Regulation 9500-3, Land Use Policy
☐	☒	E.O. 12898, Environmental Justice
☐	☒	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 a balancing of these factors, I recommend from an environmental standpoint that the project:

DRAFT

☒ Be approved

☐ Not be approved because of the reasons outlined in Appendix E.

-draft- _____
Signature of Preparer

_____
Date

Jennifer L. Feindt
Name of Preparer

Farm Loan Specialist
Title of Preparer

See Part 1 of this handbook for listing of officials <u>responsible</u> for preparing assessment.

-draft- _____
Signature of Concurring Official

_____
Date

_____
Title

State Environmental Coordinator's Review

I have reviewed this environmental assessment and supporting documentation. Following are my positions regarding its adequacy and the recommendations reached by the preparer. For any matter in which I do not concur, my reasons are attached in Appendix E.

Do Not Concur	Concur	
☐	☒	Adequate Assessment
☐	☒	Environmental Impact Determination
☐	☒	Compliance Determinations
☐	☒	Project Recommendation

-draft- _____
Signature of SEC

_____
Date

DRAFT

21 List of Preparers

This assessment was prepared by Jennifer Feindt, Farm Loan Specialist, in the Sussex County Delaware FSA Office.

22 References

FSA Handbook 1-EQ, Environmental Quality Standards for State & County offices, published and maintained by the USDA, Farm Service Agency, Washington, DC 20250.

FSA Handbook 2-EQ, Environmental Risk Management for State & County offices, published and maintained by the USDA, Farm Service Agency, Washington, DC 20250.

Delaware State Environmental Guide, published and maintained by the USDA, Farm Service Agency, Delaware State Office, Dover, DE 19904.

FmHA Instruction 1940-G, Environmental Program, published and maintained by the USDA, Farm Service Agency, Washington, DC 20250.

State of Delaware Code, Title 3, Chapter 22, Nutrient Management Law.

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Appendix A Acronyms and Abbreviations

Appendix B Definitions

Appendix C Relevant Laws and Regulations

Relevant environmental laws and regulations which were referenced in this document.

Appendix D Agencies and Individuals Consulted

FSA contacted U.S. Fish and Wildlife Service, Delaware State Historic Preservation Office, Delaware Species Conservation & Research Program, and DNREC Coastal Management Program as part of the environmental review process. Copies of related communication are included in Appendix D.

Appendix E Supporting Documents

Supporting documents include: tax map, plat map, FEMA Flood Insurance Rate Map, Delaware threatened & endangered species listing, Delaware Superfund/CERCLIS site listing, State coastal zone boundary listing, Delaware wilderness area listing, sole source aquifer listing, wild & scenic river listing, U.S. Census data for Kent County, Delaware, U.S. Census data for Felton, DE, and 2012 Federally-established poverty levels.

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