

**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  
Sussex County, Delaware**

**Tax map and parcel # 5-32 16.00 26.00**

**October 3, 2011 - Draft**

## COVER SHEET

**Proposed Action:** The Farm Service Agency of the United States Department of Agriculture proposes to provide assistance for the construction of four poultry houses and associated improvements on a 54 acre tract owned by the farm operator on the north side of Whitesville Road, near the town of Delmar, in Sussex County, Delaware. The combination of land and proposed improvements will be utilized for establishing a new integrated poultry production facility in the vicinity of 17135 Whitesville Rd. Delmar, DE. The property is further identified as Tax Map and Parcel #5-32 16.00 26.00. 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 were provided by USDA Natural Resource Conservation Service (NRCS) and a private certified Nutrient Management Consultant, who is working with the farm owner/operator to formulate an appropriate Animal Waste Management Plan (AWMP) /Comprehensive Nutrient Management Plan (CNMP). The Sussex 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. The Delaware Department of Agriculture's Nutrient Management Commission has been 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 he will submit application for coverage when project is underway. In addition, the Delaware State Historic Preservation Officer, Delaware Coastal Zone Management Program, U.S. Fish and Wildlife Service, and Delaware Endangered Species & Natural Heritage Program were contacted as part of the environmental review process.

**Further Information:** Jennifer Feindt, Farm Loan Officer  
21315 Berlin Road, Unit 1  
Georgetown, DE 19947  
Dover, DE 19904  
(302) 856-3990, ext. 107

**Abstract (Summary):** The project is needed to enable the farm operator to generate sufficient income necessary for self support by entering into the production of integrated poultry in a rural area of Southern Delaware. It has been proposed to construct four poultry houses with a capacity of 52,800 birds per house. With completion of the project, the total farm capacity will be 211,200 birds. The farm operator has plans in place for the construction of two manure sheds on the farm to adhere to proper manure management/storage practices, as soon as cost share funding is available.

**Comments:** The public will be notified of the availability of the draft of this environmental assessment, and invited to comment.

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

Jennifer Feindt, Farm Loan Officer  
21315 Berlin Road, Unit 1  
Georgetown, DE 19947

(302) 856-3990, ext. 107  
(302) 856-4381 FAX

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

# Table of Contents

	<b>Page No.</b>
<b>1 Project Description and Need</b>	<b>6</b>
<b>2 Primary Beneficiaries and Related Activities</b>	<b>6</b>
<b>3 Description of Project Area</b>	<b>6</b>
<b>4 Alternatives Including the Proposed Action</b>	<b>7</b>
4.1 Description	7
4.1.1 Alternative A – No Action Alternative	7
4.1.2 Alternative B – Proposed Action Alternative	7
4.1.3 Alternative C – Relocate on Current Property	7
4.1.4 Alternative D – Relocate to Different Property	8
4.1.5 Alternative E – Engage in a Different Form of Agricultural Production	8
4.2 Cumulative Effects	8
<b>5 Environmental Impact</b>	<b>8</b>
5.1 Air Quality	9
5.2 Water Quality	10
5.2.1 Ground Water	10
5.2.2 Surface Water	10
5.2.3 Sole Source Aquifer	11
5.3 Solid Waste Management	11
5.4 Land Use	11
5.5 Transportation	12
5.6 Natural Environment	12
5.7 Human Population	12
5.7.1 Social-economic Impacts	12
5.7.2 Environmental Justice	13
5.8 Construction	14
5.9 Energy Impacts	14
5.10 Other Special Issues	15
5.10.1 Noise	15
5.10.2 Aesthetic Considerations	15
<b>6 Coastal Zone Management Act</b>	<b>15</b>
<b>7 Historic Properties and Archaeological Sites</b>	<b>16</b>
<b>8 Wild and Scenic Rivers</b>	<b>16</b>
<b>9 Threatened and Endangered Species</b>	<b>16</b>

<b>10</b>	<b>Farmland Protection</b>	<b>17</b>
<b>11</b>	<b>Floodplain Management and Protection of Wetlands</b>	<b>17</b>
<b>12</b>	<b>Coastal Barrier Resources Act</b>	<b>17</b>
<b>13</b>	<b>State Environmental Policy Act</b>	<b>17</b>
<b>14</b>	<b>Consultation Requirements of E012372, Intergovernmental Review of Federal Programs</b>	<b>17</b>
<b>15</b>	<b>Environmental Analysis of Participating Federal Agency</b>	<b>18</b>
<b>16</b>	<b>Reaction to Project</b>	<b>18</b>
<b>17</b>	<b>Adverse Impact</b>	<b>18</b>
<b>18</b>	<b>Mitigation Measures</b>	<b>18</b>
<b>19</b>	<b>Consistency with FSA Environmental Policies</b>	<b>18</b>
<b>20</b>	<b>Environmental Determinations</b>	<b>18</b>
<b>21</b>	<b>List of Preparers</b>	<b>20</b>
<b>22</b>	<b>References</b>	<b>20</b>
<b>Appendix A</b>	<b>Acronyms and Abbreviations</b>	<b>22</b>
<b>Appendix B</b>	<b>Definitions</b>	<b>22</b>
<b>Appendix C</b>	<b>Relevant Laws and Regulations</b>	<b>22</b>
<b>Appendix D</b>	<b>Agencies and Individuals Consulted</b>	<b>22</b>
<b>Appendix E</b>	<b>Supporting Documents</b>	<b>22</b>

## **1 Purpose and Need**

The farm owners/operators will be based in Delmar, Delaware on a currently wooded tract they own. The need for the project under consideration is to enable the owners/operators to establish a new farming operation on this farm site as a means to better provide for their livelihood.

The farm owners/operators have a contract to engage in integrated poultry production on the new site with Mountaire Farms, a well-respected local poultry integrator. The project involves the construction of four 66' x 600' poultry houses and related infrastructure, thereby creating a total farm capacity of 211,200 birds. The farm owners/operators have plans in place for the construction of two manure sheds on the farm to address manure generated by the proposed production capacity, as soon as cost share funding becomes available. The proposed establishment of a poultry operation for these property owners 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 owners/operators. The income produced by the project will allow the owners/operators 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, truck drivers, and construction workers. 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 54 acres, tax map # 5-32 16.00 26.00, located in the vicinity of 17135 Whitesville Road, Delmar, Sussex County, Delaware. A tax map is included as part of this assessment and can be found in Appendix E. Surrounding lands are used for cropland, interspersed with poultry farms and rural 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 and location of the proposed poultry houses are identified on the map attached as Appendix E. Currently, the only structures on the tract are a workshop with apartment, and a small goat shed. The property is currently woodland. Approximately 12 acres will be cleared and developed for the poultry facilities and associated infrastructure. The remaining acreage of the farm tract will remain woodland after establishment of the poultry operation. Clearing will be limited to the immediate production area. Clearing will be done in a manner and time table so as to minimize impact to nesting birds and other wildlife which use the woodland for cover.

Poultry houses and related infrastructure will be clustered together, so as to leave the largest possible area of woodland undisturbed.

The construction site is towards the east side of the tract. The construction site will meet all applicable Sussex County set back requirements. The property is currently adequately maintained woodland. A wetland delineation completed by a Technical Service Provider (TSP) and field-verified by the Sussex County NRCS, documents that there is no wetland located in the proposed production/construction area. The parcel is not located within a flood plain. The FEMA flood insurance rate map for the property can be found in Appendix E. The only body of water currently on the tract is a tax ditch; however, a farm pond will be dug west of the proposed poultry houses and manure sheds, to allow for the retrieval of fill material to be used for the new poultry house pads. Consultation with Delaware Coastal Management Program, which in turn consulted with DNREC Drainage Program, has revealed that the proposed construction will not have an adverse effect on the tax ditch.

#### **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 and the least impact on the operation itself. 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 clearing of the woodland and construction of the proposed poultry facility. This alternative would not allow the farm owners/operators to develop the site for poultry production and not afford them the opportunity to generate 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 on the site, and allowing for an annual farm income for the farm owners/operators.

##### **Alternatives Eliminated from Further Analysis**

4.1.3 Alternative C - Eliminated from Further Analysis: Relocate on Current Property- The proposed construction is located on the east side of the tract, and will be sheltered on all sides by trees. Alternative C would involve the

owner/operator placing the new poultry houses in a different location on the farm tract. Due to the irregular shape of the tract, there is no other location on the tract that would accommodate the proposed construction. There is a tax ditch running along the rear of the tract on the western side and that side of the tract is not as deep as the eastern side, which would prohibit construction of the poultry houses on that side of the tract, so would not be a feasible option.

4.1.4 Alternative D - Eliminated from Further Analysis: Relocate on a Different Property - The farm operators are the current owners of the 54 acre tract where they plan to construct the poultry facility. It would not be cost-effective to purchase a different tract for the poultry house construction, as they already own this tract. The availability and feasibility of purchasing a different tract is unknown in the local area. They also own another smaller 10 ac farm tract, but the size and configuration of that tract will not allow the owners to build four poultry houses as they desire. 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 and description of a different site, it is difficult to fully analyze potential environmental impacts of the proposed project on that site.

4.1.5 Alternative E- Eliminated from Further Analysis: Engage in a different form of Agricultural Production. The subject property is currently woodland. The farm owners/operators have considered other potential enterprises to better utilize their real estate asset; however, none of these alternatives would achieve the intended purpose of the project as effectively as poultry. Any agricultural production conducted on the tract would require tree clearing in some fashion. The farm operators have experience in poultry operations, and seek to enter into agricultural production in the enterprise which they are most familiar with. The remaining acreage of the farm tract will remain undisturbed woodland. 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 with which to evaluate the potential impacts of the proposed action against.

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 Sussex County. Odor from the poultry facility is not measurable and ambient hydrogen sulfide is not regulated in Sussex 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 caused through the mixing of odors with ambient air. This dilution of odorous air is a function of distance, topography, and meteorological conditions. The proposed action alternative situates the poultry operation at a location on the tract that insulates the operation from adjoining properties by trees. The proposed poultry houses will be along the side of the tract which is closest to the neighboring poultry house of another farm owner.

Topographical features can either enhance dilution or reduce dilution of the odor depending on the particular features. Wind breaks or tree lines like those found surrounding the farm tract, will encourage mixing of the odorous air with clean air, and when coupled with the distance of the poultry house from the public, shall result in intermittent minimal local odor impacts. Based on the climate in the Mid-Atlantic portion of the United States, there may be a few days in 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 eliminate 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 vegetation and woodland surrounding the construction site 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 potential 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 using best management practices to allow for delivery trucks a few times per week and others to enter and exit the farm, as needed, while minimizing dust impacts.

Existing air quality in Sussex County is considered good, and will remain so after the proposed poultry operation is up and running. The houses will be totally 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 operators will be required to follow the approved nutrient management plan. This approved plan will allow the operators to sufficiently control any runoff from the operation so that water quality will not be adversely impacted. 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 the 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 composter and two manure sheds, appropriately sized 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 owners/operators will contact the Delaware Nutrient Management Commission to obtain coverage under the NPDES CAFO permit program by filing a Notice of Intent (NOI) and providing a copy of the CNMP. This permit will be a requirement of final project approval.

5.2.2 Surface Water: The only existing body of water on the farm tract is a tax ditch which runs along the back of the tract. In order to retrieve fill material for construction of the poultry house pads, there will be a farm pond dug to the west

of the poultry houses and manure sheds. Adherence to the site-specific nutrient management plan will ensure that this water body and the existing tax ditch 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 Sussex Conservation District to formulate an appropriate site-specific plan, which was then 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 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 contingency 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 animal waste/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 woodland. 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. Land clearing required for this project is limited to the approximately 12 acre area used to construct the poultry houses, related infrastructure, and necessary driveways surrounding the houses. The remaining acreage will remain undisturbed woodland.

5.5 Transportation: Traffic volume in the immediate area of the proposed project is not expected to change due to the proposed establishment of the poultry operation. As there are already similar poultry farms in operation in the local area, 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 operation is not considered excessive.

Trucks will make several visits to the property each year to deliver new chicks and 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 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: There is already a workshop and small goat shed on the project site. The proposed project consists of four poultry houses and two manure sheds, and leaves the surrounding area undisturbed. 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. Tree clearing will be consolidated to one portion of the tract, so as to leave the largest possible undisturbed wooded area intact, rather than leaving numerous fragmented areas of woods. Tree clearing will not be conducted during primary nesting season.

5.7 Human Population:

5.7.1 Social-economic Impacts: This project will not adversely impact the human population of the site 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 public and 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 use as agricultural. No one is being displaced from their jobs because of the project. The area has a moderate minority population and the median income per household in the local area is greater than the 2009 Federally-established poverty levels. This project will not displace minorities or lower income families in the area. Key Census data for Delmar, Delaware and Sussex County, Delaware is included in Exhibit E, as well as a chart of the 2009 Federally-established poverty levels.

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

- Bodily impairment, infirmity, illness or death: This operation causes no concern for adverse affects on anyone outside the farm family that will operate this poultry farm. Safety for the farm owners should be a top priority for the operator.
- Air, noise, and water pollution and soil contamination: This farm will operate under an NRCS-approved comprehensive nutrient management plan that provides operating 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's 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 Management 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 organization: None.
- Isolation, exclusion, or separation of individuals within a community or from the broader community: None.
- The denial, 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 owner/operator, 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 similar operations. The property is currently properly maintained. This project will have no negative environmental impact on the surrounding community. This is an undertaking project that will not affect historical properties. This proposed action would 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 four 66' x 600' poultry houses and related infrastructure. Some minor localized soil will be disturbed for the installation of the pads and driveways, but will be short-term and not significant. Pads will be constructed of fill dirt and compacted to support the poultry 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 normal agricultural construction projects of this scale.

5.9 Energy Impact: 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 can 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 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. Construction noise will be generated during construction of the poultry houses. This construction noise will be localized, occur only during daylight hours, and should only last approx. 3-6 months at most. 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 generators. 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 County setback laws from property lines. 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 land owned by this operator, woods, and another owner's poultry farm. A natural buffer of trees helps 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 county zoning ordinances and set back requirements, using best management practices and industry standards. The proposed poultry houses will be constructed at the furthest distance possible away from the road and other landowners' property, to minimize any visual impact from the roadway or other properties. The farm is concealed by mature trees around the property. The proposed operation will not produce any significant aesthetic impact. The mature tree lines and heavily wooded areas around the farm tract minimize visual impact, as well as improve environmental quality.

## 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 was contacted regarding the proposed construction. The project was found consistent with the policies of the Coastal Zone Management Area, so long as the operator adheres to all applicable regulations and permits issued for the project, adheres to the NRCS-approved Nutrient Management Plan, abides by NRCS guidelines pertaining to tree clearing, and strives to minimize impact to woodland wildlife in clearing one consolidated portion of the woods rather than breaking it up into numerous fragmented

areas. Clearing will be accomplished in one large area to properly accommodate the poultry facility, as well as to preserve the largest possible forested area intact.

## **7 Historic Preservations 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. Contact with the Delaware State Historic Preservation Officer (SHPO) did not reveal any known historic sites or potential impacts.

## **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 Natural Heritage and Endangered Species 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 includes several species of sea life; such as the sea turtle and humpback whale, which would by nature not be found in the 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. The entire listing can be found in Appendix E.

No listed threatened or endangered species are identified as being present on the subject site. The USFWS was contacted by letter on August 11, 2011, for their concurrence. In their response of September 14, 2011, they indicated that other than occasional possible transient individuals, no species listed or eligible for listing on the Federal threatened or endangered species list is present in the area of concern.

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. After site visit and conference with the owner, there is no evidence of bald eagle presence on the 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 the project 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. FEMA FIRM for the subject property is included in Appendix E.

According to information supplied by NRCS, as well as an independent technical service provider, the proposed site for the new poultry houses does not contain 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. It has been confirmed that 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.

## **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 this 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 EAs. 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 by FSA, the protection of the human environment. There is nothing to indicate the project is not 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 operator and appropriate State and Federal Agencies and will be part of FSA loan making conditions to the lender. The implementation of the approved nutrient management plan will be used to control potential problems that have been identified throughout this assessment. This, along with the implementation of industry best management construction 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.

## **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



\_\_\_\_\_  
Jennifer L. Feindt  
Name of Preparer

\_\_\_\_\_  
Farm Loan Officer  
Title of Preparer

**\*See Part 1 of this handbook for listing of officials responsible for preparing assessment.**

\_\_\_\_\_  
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                   |                                    |
|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Adequate Assessment                |
| <input type="checkbox"/> | <input type="checkbox"/> | Environmental Impact Determination |
| <input type="checkbox"/> | <input type="checkbox"/> | Compliance Determinations          |
| <input type="checkbox"/> | <input type="checkbox"/> | Project Recommendation             |

\_\_\_\_\_  
Signature of SEC

\_\_\_\_\_  
Date

## 21 List of Preparers

This assessment was prepared by Jennifer Feindt, Farm Loan Officer 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.

DRAFT

**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 NRCS, U.S. Fish and Wildlife Service, Delaware State Historic Preservation Officer, Delaware Natural Heritage and Endangered Species 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, and U.S Census data for Sussex County, Delaware and Delmar, Delaware.