# Farm Service Agency

## **Draft** VIRONMENTAL ASSESSMENT

Maple Branch Road Farm Ellendale, Sussex County, Delaware

Prepared By
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March 2, 2020

## **COVER SHEET**

Proposed Action:	The Farm Service Agency of the United States Department of Agriculture proposes to provide funding for the construction of 6 61 x 600 ft. poultry houses and related infrastructure with a total maximum farm capacity of 288,000 birds. The area of disturbance is located on a 140+/- acre tract located on Maple Branch Road in Ellendale, Delaware.
Type of Document:	This is a site-specific Environmental Assessment
Lead Agency:	United States Department of Agriculture, Farm Service Agency
<b>Cooperating Agencies:</b>	Small Business Association (SBA)
Further Information:	Colleen M Reed, Farm Loan Specialist, Sussex County FSA 21315 Berlin Rd., Unit 1, Georgetown, DE 19947
Comments:	This Environmental Assessment (EA) was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR 799, as well as the NEPA of 1969 (40 CFR 1500-1508/42 US Code 4321-4347), as amended.  A copy of the Draft EA can be found at Sussex County Farm Service Agency 21315 Berlin Rd, Unit 1, Georgetown, Delaware 19947 and is posted to the FSA State Website at: . Written comments regarding this EA can be submitted to this address until Friday, May 15, 2020:  Maple Branch Road Farm Comments Sussex Farm Service Agency 21315 Berlin Rd., Unit 1, Georgetown, DE 19947

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## **Acronyms and Abbreviations**

ACE APE CAFO CNMP CZMA ONREC	Army Corps of Engineers  Area of Potential Effect  Concentrated Animal Feeding Operation  Comprehensive Nutrient Management Plan  Coastal Zone Management Act  Department of Natural Resources and Environmental  Control  Environmental Assessment
CAFO CNMP CZMA	Concentrated Animal Feeding Operation Comprehensive Nutrient Management Plan Coastal Zone Management Act Department of Natural Resources and Environmental Control
CNMP CZMA	Comprehensive Nutrient Management Plan Coastal Zone Management Act Department of Natural Resources and Environmental Control
CZMA	Coastal Zone Management Act  Department of Natural Resources and Environmental Control
	Department of Natural Resources and Environmental Control
DNREC	Control
	Environmental Assessment
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA .	Environmental Protection Agency
PCRA	Emergency Planning and Community Right to Know Act
EQ.	Environmental Quality
EMA	Federal Emergency Management Agency
-LP	Farm Loan Programs
-p	Farm Programs
ONSI	Finding of No Significant Impact
-SA	Farm Service Agency
HEL	Highly Erodible Land
HELC	Highly Erodible Land Conservation
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NRI	National River Inventory
SEC	State Environmental Coordinator
БНРО	State Historic Preservation Officer
ГНРО	Tribal Historical Preservation Officer
JSACE	United States Army Corps of Engineers
JSDA	United States Department of Agriculture
JSFWS	United States Fish and Wildlife Service
WRS	Wild and Scenic River System

#### 1.0 Introduction

#### 1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to

Approve a loan request to construct six 61' x 600' poultry houses, a manure shed, composter and related infrastructure. The farm has a maximum capacity of 288,000 birds. The area of disturbance is located on a 140+/- acre tract located on Maple Branch Road in Ellendale, Delaware. The project is referred to as the Maple Branch Road Farm, tax map 135-3.00-2.01. The project is located 2.5 miles from Redden, Delaware and 4.3 miles from Ellendale, Delaware. The farm has a home and some outbuildings adjacent to Maple Farm Road that are proposed to be used for the primary residence of the applicant. It is proposed that the project will disturb no more that 23 acres of cleared ground. In prior years the farm was used as a farm producing grain crops and poultry. Any remnants of the old poultry houses will be demolished, and the newly proposed houses will take their place. If approved the farm will be required to have a right sized composter (sized according to NRCS specifications). The new houses will be constructed outside of the footprint of the old poultry houses. The attached stormwater plan is drawn for eight houses but at this time there will only be six houses proposed for construction.

The Small Business Administration is a cooperating agency because it has received an application for a loan from the same applicant.

## 1.2 Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to implement programs to make available economic opportunity to help rural America thrive by promoting agriculture production that better nourishes Americans while also helping feed others throughout the world; as provided for by the Food Security Act of 1985 as amended, the Consolidated Farm and Rural Development Act as amended and implementing regulations found in 7 CFR Parts 762 and 764.

The need for the action is to fulfill FSA's responsibility to administer the Farm Loan Program by providing access to credit to help improve the stability and strength of the agricultural economy including to start, improve , expand, transition, market, and strengthen family farming and ranching operations and provide viable farming opportunities for family and beginning farmers and meet the needs of small and beginning farmers, women and minorities. Specifically, in the case of this request, FSA's need is to respond to the applicant's request for assistance to support the proposed action.

## 1.3 Regulatory Compliance

This Environmental Assessment is prepared to satisfy the requirements of NEPA (Public Law 91-190, 42 United States Code 4321 et seq.); its implementing regulations (40 CFR 1500-1508); and FSA implementing regulations, *Environmental Quality and Related Environmental Concerns – Compliance with the National Environmental Policy Act* (7 CFR 799). The intent of NEPA is to protect, restore, and enhance the human environment through well informed Federal decisions.

A variety of laws, regulations, and Executive Orders (EO) apply to actions undertaken by Federal agencies and form the basis of the analysis.

The Farm Service Agency (FSA) USDA, is the lead Agency. The following agencies were contacted for input and assistance due to their technical skill, scientific expertise and/ or related regulatory authorities or jurisdictional responsibilities: USDA Natural Resource Conservation Service---wetland determination/delineation of the property; Kent County Conservation District---Comprehensive Nutrient Management Plan(CNMP), Sediment and Erosion Control Plan/Storm Water Prevention Plan (SWPPP); Delaware Natural Resource and Environmental Control (DNREC)---permitting process and Coastal Zone Management Program; Delaware Department of Agriculture's Nutrient Management Commission--- Notice of Intent(NOI) for Delaware's NPDES project; Delaware Trice of Indians---cultural resources; Delaware State Historic Preservation Office---historical and cultural resources.

The decision to be made by FSA based on this assessment is whether to:

- Approve the applicant's loan request;
- Approve the request with additional mitigation; or
- Deny the loan request

#### 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 Delaware can be found at Title 3 §1401 and Title 10 §8141(a) and can be summarized as:

The Right to Farm Law in Delaware provides protections from nuisance actions against agricultural or forestall operations which have been in operation for a period of more than 1 year and that are in compliance with all applicable state and federal laws, regulations and permits, but shall not apply whenever a nuisance results from the failure to conduct the operations in a manner consistent with good agricultural practice or when there has been a significant change in the operation itself.

#### 1.4 Public Involvement and Consultation

#### 1.4.1 Public Involvement

at Sussex Farm Service Agency, 21315 Berlin Rd., Unit 1, Georgetown, DE 19947. A notice of the availability of the document was published in the Delaware State News on April 15, 2020 and April 22, 2020. Written comments may be submitted to Maple Branch Road Farm Comments: Sussex Farm Service Agency, 21315 Berlin Rd., Unit 1, Georgetown, DE 19947

#### 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 Historic Preservation Officer (SHPO) to ensure the requirements of 54 U.S.C. 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed.
- Consulted with the Tribal Historic Preservation Officer (THPO) to ensure the requirements with Native American Graves Protection and Repatriation Act (NAGPRA).
- NRCS completed a review, and performed determinations and delineations of areas
  meeting the three (3) mandatory criteria of wetlands in accordance with the
  procedures of the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation
  Manual (Y-87-1) and supplements to determine the absence, presence, and extent of
  wetlands and waters of the United States relative to Section 404 of the Clean Water
  Act and Section 10 of the Rivers and Harbors Act of 1899.

#### 2 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

## 2.1 Proposed Action

The Proposed action

- Location: Maple Branch Rd, Ellendale, Delaware, Sussex County; Tax Parcel: 135-3.00-2.00; currently cropland with a homestead and a few dilapidated structures that will need to be demolished.
- Proposed construction of six 61' x 600' poultry houses, a manure shed, composter and related infrastructure. The area of disturbance is located on a 140+/- acre tract. The surrounding area is mostly farmland with one neighboring house. There is another poultry located to the east of the project area which is in close proximity. If approved the farm will grow chickens for Allen Harim LLC.
- Poultry houses will be 61' x 600' with a maximum bird capacity of 288,000.
- The level of disturbance required for the operation would be digging of swales and forebays below the plow zone. There will be no need to clear trees as the project area exists only in the cropland. There are a few dilapidated structures that will need to be demolished. There is an older home along Maple Branch Road that will serve as the residence. Utility lines and wells will also need to be installed.
- Construction activities will occur during normal work hours of each day so as not to disturb
  neighbors. There are no noted endangered species that will be affected by the project and
  given the fact that the area is already cleared land, there shall be no disturbance of nesting
  areas of migratory birds.
- The EPA has delegated responsibility to various State and local agencies for establishing technical standards, monitoring, and enforcement of provisions for protecting important resources including but not limited to air and water quality. Permitting and the incorporation of related operating plans and best management practices are a requisite part of these regulatory processes. Accordingly, the proposed poultry operation and homestead would be constructed and operated under varying permits and plans required by Sussex County and the State of Delaware.
  - The Sussex Conservation District has approved the Sediment and Stormwater Plan.
  - DNREC has approved the NOI for Stormwater Discharge for NPDES.
  - Natural Resource Conservation Services has approved the Certified Nutrient Management Plan.
  - The Delaware Department of Agriculture has approved the borrower to be a Certified Nutrient Management Generator.
  - County zoning laws relating to land use will be adhered to, setbacks of 200' from the nearest residence will be used and any other limitations and or restrictions will be adhered to.
- FSA will conduct periodic site visits to ensure that environmental regulations are followed as this is be a condition of every loan.

#### 2.2 No Action Alternative

The no action alternative means the proposed farm would not be built. This would result in the continuation of existing conditions on the proposed site and no changes to the existing environment would occur.

## 2.3 Alternative A (and possibly B, C...)

The availability and feasibility of purchasing a different tract is unknown in the local area. Without a specific location, description, and price of a different site, it is not possible to fully analyze potential impacts of the proposed project on another site and the issues inherent to poultry production would be similar to those on the subject site.

Similarly, alternative design features of the project components are not considered as they would alter the intended use of the infrastructure proposed. The applicant's agreement with the integrator requires adherence to the integrator's construction and equipment specifications, which are in place to ensure consistency, maximize production and reduce loss. Design alternatives that would involve modification of features and infrastructure put in place by or for an integrator would jeopardize the availability of bird placement, and therefore the viability of the farm. Accordingly, this alternative would not warrant further consideration.

Other uses for the land were not considered as the applicant does not have the knowledge, skill set or resources necessary to successfully engage in other forms of agriculture. Similarly, other forms of agriculture would not as effectively meet the purpose and need for the project.

The applicant has applied for FSA assistance to fund construction of a poultry facility; therefore FSA's decision to be made is to approve the request for assistance as designed, to deny the request assistance, or to approve the request with additional mitigations, practices or methods that would be needed to minimize or eliminate impacts to protected resources.

## 3.1 Resources Eliminated from Detailed Analysis

#### 3.1.1 Coastal Barrier

Effects to coastal barriers were eliminated from detailed analysis because Sussex County has few areas located along the shoreline. The closest protected area is 9.5 miles away from this proposed project. Exhibit 8

#### 3.1.2 Wilderness Areas

Effects to wilderness areas were eliminated from detailed analysis as there are no areas in Delaware. Exhibit 10

## 3.1.3 Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)

Effects to Wild and Scenic Rivers/National Rivers Inventory were eliminated from detailed analysis because the project area is located in Sussex County. Blackbird Creek in New Castle County is the nearest river found on the National Rivers Inventory or Wild and Scenic Rivers System and clearly will not be impacted by this project. Exhibit 11

#### 3.1.4 National Natural Landmarks

Effects to national natural landmarks were eliminated from detailed analysis because there are none located within the State of Delaware. Exhibit 12

## 3.1.5 Sole Source Aquifers

Effects to sole source aquifers were eliminated from detailed analysis because Sussex County does not have any sole source aquifers. The closest aquifer is located in New Castle County and it is over 40 miles from the project area. Exhibit 13

## 3.1.6 Floodplains

Effects to floodplains were eliminated from detailed analysis because there are no floodplains located in the project area. Appendix 14

#### 3.1.7 Wetlands

Effects to wetlands were eliminated from detailed analysis because no wetlands lay within the project area as determined by the Natural Resource Conservation Services. If applicant converted wetland prior to December 23, 1985 applicant is exempt due to the converted wetland provision. See Appendix 15

#### 3.1.8 Soils

Effects to soils were eliminated from detailed analysis because NRCS has determined that HEL soils are not present within the project area. The area will be utilized for poultry production and it will not be used as cropland therefore it is not subject to the Highly Erodible Land provisions of the Food Security Act. See Appendix 16

#### **3.1.9** Important Land Resources

Effects on prime and unique farmland, forest land and rangeland resources were eliminated from detailed analysis because the proposed action will not result in prime and/or important land being converted to a nonagricultural use. Appendix 20

#### 3.1.10 Socioeconomic Impacts and Environmental Justice

The proposed action will not cause any adverse human health or environmental effects as defined in Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations".

The proposed project site has established agricultural use zoning and would be in keeping with the zoning requirements established by appropriate state and county regulatory authorities. No special use permits, variances or change in use hearings would be required. The project involves widely accepted agricultural practices inherent with agricultural usage and keeping with the state right to farm statutes. FSA has no control over policies, practices, requirements or procedures of state/county agencies. Issues or concerns regarding such changes are the purview of the appropriate state/county authority and are beyond the scope of this assessment. Appendix 21

## 3.2 Resources Considered with Detailed Analysis

## 3.2.1 Wildlife and Habitat

These resources include vegetation, wildlife and protected species that characterize a region

## **3.2.1.A Existing Conditions**

The proposed project site is currently cropland and traveled through at all seasons of the year by various ground and vegetation disturbing equipment for preparation for planting, intervening cultivation, fertilizing, spraying and subsequently by harvesting, chopping, establishment of cover crops and winter

cleanup of ditches and buffers. It is also used for recreational purposes such as ATV's, 4 wheelers, sport shooting and hunting.

#### 3.2.1.B Impacts of Proposed Action

The USFWS IPAC system was utilized to obtain an official species list for the Area of Potential Effect (APE). There were no threatened, endangered or candidate species on the species list. There were no critical habitats within the project area. Appendix 6

#### 3.2.1.C Impacts of No Action

If the proposed action is not implemented, then the existing use of the property for crop production by tilling of the soil would continue. Conditions for wildlife and habitat resources on the site would not change and no different impacts would occur.

#### 3.2.2 Cultural Resources

Cultural resources are important because they are the physical remains of human history. They are non-renewal resources and once an archaeological site is excavated, a landscape destroyed or a historic building demolished, it is gone forever. Besides the footprint of the project, the area of potential effect includes related infrastructure such as needed roads, utility lines, disposal areas and equipment storage areas.

## 3.2.2.A Existing Conditions

Sussex County Sussex County is a large county constituting almost half the landmass of Delaware, and the largest county east of the Mississippi River with almost 12,000 known historic and cultural resources. The proposed project site has been previously disturbed and is currently cropland with designation of NHEL and NW. Woodland borders the north and western sides of the property. The southern side runs parallel with Maple Branch Road and the eastern side is cropland with a homestead toward the southern end.

## 3.2.2.B Impacts of Proposed Action

The USFWS IPAC system was utilized to obtain an official species list for the Area of Potential Effect (APE). There were no threatened, endangered or candidate species on the species list. There were no critical habitats within the project area. Appendix 6

#### 3.2.2.C Impacts of No Action

The are of the proposed action was screened to determine any potential effect on cultural resources. A site visit was completed and there were no known resources affected. Consultation with SHPO and The Delaware Tribe was initiated to determine if the project has potential for impacts. Appendix 7

#### 3.2.3 Coastal Zone

The entire State of Delaware has been designated as being a coastal zone management area and potential impacts should be considered. The Delaware CZM program is administered by the Delaware Coastal Program which is part of DNREC's Division of Soil and Water Conservation.

#### **3.2.3.A** Existing Conditions

The proposed project site is currently cropland and is located approximately 13 miles from the Delaware coast.

### 3.2.3.B Impacts of Proposed Action

Consultation was initiated with CZM in Delaware. See Appendix 8

## 3.2.3.C Impacts of No Action

If the proposed action is not implemented, then the existing conditions would remain unchanged and no different impacts would occur.

## 3.2.4 Water Quality

Through the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control and the Delaware Nutrient Management Commission have the authority to enforce provisions of the Clean Water Act that are protective of water quality. Through the same authority they can issue permits and approve plans that are protective of water quality standards. This authority is delegated to them by the Environmental Protection Agency. Accordingly, these agencies are responsible for development and implementation of the State's policy for long-term water management and related water quality standards. Unlike FSA, these agencies have the technical skills and scientific expertise to determine what standards and related measures are/are not necessary to ensure the protection of water quality in the state and are responsible for monitoring and enforcement of related requirements and practices.

In the interest of making informed decisions, FSA must defer to this authority and respect the considered knowledge of those State Agencies to whom the EPA has delegated authority for enforcement of provisions of the Clean Water Act and related provisions for the protection of the State's water quality.

FSA's applicants are required to be in compliance with State policies and programs and demonstrate that they have followed the established State processes to obtain all requisite permits and operating plans that are required. FSA has no control over the policies, practices, requirements or procedures of State regulatory or other agencies. Issues or concerns regarding State changes are the purview of the appropriate State authority and are beyond the scope of this assessment.

## **3.2.4.A** Existing Conditions

The proposed project site is currently cropland and is located within the Gravelly Branch watershed. There is a tax ditch that runs through the project area and USFW notes it as a riverine. The closest surface water is close to 9 miles away which is noted as the Nanticoke River.

#### 3.2.4.B Impacts of Proposed Actions

The major concern with a CAFO is the contamination of surface and groundwater by animal waste. The operator would be required to follow a NRCS- approved 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. Wells would supply water to the poultry houses and water would be hauled in as a backup water supply in case of emergency.

This farm would be operated under the site-specific best management practices set forth in the NRCS-approved Comprehensive Nutrient Management Plan. The litter would be stored under cover 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 and compost generated would be hauled offsite by a certified handler to local farms where it would be applied to cropland according to the requirements of the receiving farm operator's site-specific nutrient management plan.

There would be two stormwater forebays constructed along the eastern border of the farm. The forebays were designed by a professional engineering firm and would be required to meet NRCS technical specifications to accommodate run off from a ten-year rain event. Adherence to the site-specific nutrient management plans would 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 would disturb more than 5,000 sq ft of land, the farm owner/operator would be required to obtain a Storm Water Pollution Prevention 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 Sussex County Conservation District. The applicant worked with Sussex County 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 concurrence 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 would be required to remain on site, and the owner or owner's representative would 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 completion of the project and stabilization of the disturbed area, a Notice of Termination (NOT) would be submitted to DNREC.

The regulatory state agencies tasked with said responsibilities referenced above, also provide oversight and monitoring to ensure compliance and have the authority to take aggressive enforcement action when warranted.

Due to the permitting and requisite provisions for best management practices in related plans and corresponding enforcement authorities of these agencies, the proposed action would have no significant adverse impact on water quality.

## 3.2.5 Air Quality

Other emission in the form of greenhouse gases produced by agriculture are primarily the result of the use of fossil fuels in running livestock facilities (electricity, heating, ventilation) and the use of trucks and other equipment (generators, tractors) on farms and are not reportable.

Open burning is strictly regulated by the state; and accordingly, the waste and refuse generated on site from construction or ongoing operations would be removed and not burned. The operator will be responsible for making sure that all contractors cover any waste leaving the farm so as to eliminate flying dust and debris.

Dilution of odors and ammonia would be achieved through the mixing with ambient air. This dilution of odors and ammonia is a function of distance, topography, and meteorological conditions. Topographical features can either enhance or reduce dilution of the odors and ammonia, depending on the particular features.

Dust generated while the poultry facility is in operation would occur mostly during feeding with the dust being controlled by internal systems in the houses and interior fans. Wood

shavings and dry litter would be handled according to the approved nutrient management plan. The houses would be cleaned-out per integrator standard practices or as-needed, with the removal of the top crust of litter between flocks of poultry.

Solid waste generated during construction or during production, such as construction debris or human generated refuse, would be collected in an appropriate refuse container and transported off-site to an appropriate facility for disposition. No refuse would be burned or buried on the site. As explained above, any waste transported from the farm will be covered.

Construction activities that disturb the soil surface could generate dust. Such impacts would be minor, temporary and localized, generally confined to the farm property and ongoing only during construction. Exposed soils would be wet down to control fugitive dust. Similarly, during construction, minor and localized emissions associated with heavy machinery could be expected. None of these construction related impacts would have a significant or long-term adverse impact to surrounding air quality.

Trucks would make several visits to the property each year to deliver new chicks and to transport grown poultry to the processing plant. Feed delivery trucks would make regular visits to the farm each week while birds are in cycle to deliver feed. Trucks would use the existing public roads. No new traffic patterns would be developed, and no new upgrades of county roads would be needed. The magnitude of the contribution of the proposed action on greenhouse gases would be miniscule in comparison to total annual greenhouse gas emission in the US.

## **3.2.5.A** Existing Conditions

The surrounding area is cropland, where farming activities such as slow-moving equipment on roadways, dust, noise from equipment and odors from livestock and chemicals are normal and consistent with neighboring with neighboring fanning practices and existing operations in the area.

## 3.2.5.B Impacts of Proposed Action

Impacts from construction, as well as ongoing operations, would be of brief duration, irregular and infrequent in nature and would not be significant. The applicants agree to comply with Delaware Air Quality regulations for their proposed project during and after the construction of their home as they relate to:

Air quality management as it relates to Particulate Matter from construction and materials handling (policy 5.20.2.2)

Air quality management as it relates to nitrogen oxides (policy 5.20.2.6)

Air quality management as it relates to volatile organic compounds (policy 5.20.2.12)

#### 3.2.5.C Impacts of No Action

The area would remain as cropland and continue to be tilled. Related impacts to the existing air quality on the property would remain unchanged.

#### 3.2.6 Noise

Many factors contribute to the response to noise, and the human response varies across the population.

#### **3.2.6.A** Existing Conditions

The proposed project site is existing cropland. Farm machinery such as tractors, combines, sprayers, trucks, generators and various other equipment are regularly used in the ordinary process of growing and harvesting crops. Throughout the year, there is activity on the farm where equipment is being utilized.

## 3.2.6.B Impacts of Proposed Action

Some construction noise would be generated during the construction of the poultry houses. This noise would be localized, occur only during daylight hours, and should only last approx. 3-6 months. During operation of the proposed project, some noise would occur from occasional use of the generator. However, this would only occur during power outages and approximately once per week for 10-15 minutes for mowing, maintenance and movement of supplies, materials and removal of waste would be low level, infrequent in nature and during day light hours. Some noise would be emitted by the birds; but would be minimal as the birds are contained inside the poultry houses.

The poultry houses and infrastructure would follow applicable County property line set-back laws which are designed to mitigate impacts. Some noise associated with truck traffic is expected but would occur on an infrequent basis as feed is delivered and poultry transported to and from the farm.

While there may be intermittent low levels of noise associated with the proposed project, they would not be long lasting or harmful in nature. The

traffic and noise generated by the proposed project would not be significant.

## 3.2.6.C Impacts of No Action

The area would remain as cropland with no changes to the noise levels currently experienced in the surrounding area.



#### 4 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 region 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 Sussex County, Delaware, Gravelly Branch Watershed.

In addition, poultry integrators have a demand for new facilities such as those proposed to provide an adequate supply for processing plants and keep them operating at an economically feasible capacity. Specialized livestock facilities have a limited useful life as they become functionally obsolete with technological advances. Similarly, as existing houses age and require repairs, a point of diminishing returns is reached and older facilities are routinely phased out as existing operators choose not to reinvest, retire or find alternative uses for the facilities. Accordingly, a pipeline of new facilities is necessary to insure an adequate and economical supply of low-cost protein food for the nation.

## 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:

- Agricultural crop production: All of Sussex County is a rural, agricultural community with a history of grain and vegetable production
- Poultry production: Sussex County has historically been a leader in the poultry industry. As older facilities are phased out, new facilities will be constructed to replace them in order to continue to supply the processing plants. For the foreseeable future there are no plans to add new integrators or processing plants, therefore, additional facilities will remain limited by the component to the success of the agricultural community.
- Forestry: A large part of Sussex County is forested. These wooded acres provide income to the rural community through managed harvesting of trees, recreation such as hunting, and enrollment in conservation programs.
- Other livestock production: In the past, dairy operations were more prevalent in Sussex County. Over time, many dairy facilities have been retired and not replaced. With current prices for milk, it seems unlikely that the dairy industry will expand in Sussex County in future years.
- Limited Industry: While there are many companies and industries within the county, they are smaller in nature, with most of the industry within close proximity to the

towns. The poultry industry is one of the largest industries within the county, with facilities populated throughout the whole county.

#### 4.2 Cumulative Analysis

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 region 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 Sussex County, Delaware. Gravelly Branch watershed.

#### 4.2.1 Wildlife & Habitat

Endangered species are not located at the proposed project site. Migratory birds currently rest in fields, rivers and ponds in the surrounding area. The proposed poultry facility would not prevent the migration habits of birds, and the additional ponds created for stormwater would provide additional habitat. No adverse cumulative impacts would occur.

#### 4.2.2 Cultural Resources

Consultation was initiated with SHPO to determine if historical or cultural resources may be present in the proposed site which warrant special consideration or protection.

#### 4.2.3 Coastal Zone

A request for consistency determination was initiated to the Delaware Coastal Zone Management Program

## 4.2.4 Water Quality

By virtue of the associated plans and permits required by the State of Delaware for CAFO's, and the use of Best Management Practices, there would be no adverse cumulative impacts.

## 4.2.5 Air Quality

By virtue of the associated plans and permits required by the State of Delaware for CAFO's, and the use of Best Management Practices, there would be no adverse cumulative impacts.

#### 4.2.6 Noise

The poultry facility would not contribute additional noise beyond what is being contributed by the existing farming operation. Since the area is historically and presently a rural agricultural community, and would be the same into the future, there would be no adverse cumulative impact.

## 5 LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

List of Preparers		
Name and Title	Education and Experience	
Colleen Reed	Farm Loan Specialist, Environmental Coordinator, BS in	
	General Studies	

Persons and Agencies Contacted			
Name and Title	Affiliation		
Stephanie Soder	Delaware Historic Preservation Officer		
Kimberly Cole	Delaware Coastal Zone Management Program		
Susan Bachor	Delaware Tribe Preservation Representative		
Genevieve LaRouche	US Fish & Wildlife		

Food Security Act of 1985 as amended

Consolidated Farm and Rural Development Act as amended

7 CFR. Implementing regulations found in Parts 762 and 764

1 EQ revision 3 FSA Handbook

USFWS 2015. IPaC-Information, Planning and Conservation System. Listed and Sensitive Species in Newton County, Arkansas. [Website] U.S. Fish and Wildlife Service Environmental Conservation Online System. Available online at:

http://ecos.fws.gov/ipac/project/TOMTNPJ3YBCSJOWIGCP3C5N4MQ/resources. Accessed May 2015.

CEQ 1997. Council on Environmental Quality (CEQ). 1997. Environmental Justice Guidance Under the National Environmental Policy Act. December 10.

Delaware State SHPO: Stephanie.Soder@delaware.gov , Gwen.davis@state.de.us

Delaware Coastal Management: <a href="mailto:dnrec">dnrec</a> federalconsistency@state.de.us

FSA Farm Map: Sussex FSA ArcMap

CHRIS Maps: <a href="https://chris-users.delaware.gov/#/">https://chris-users.delaware.gov/#/</a>

Topographic maps: https://nationalmap.gov/ustopo/index.html

Wetland Maps: https://www.fws.gov/wetands/Data/Mapper.html

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

CEQ 2016. Council on Environmental Quality (CEQ). 2016. Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews. August 1.

Wilderness Area Map: <a href="http://www.wilderness.net/map">http://www.wilderness.net/map</a>

Delaware Coastal Zone Map:

http://www.dnrec.delaware.gov/Admin/CZA/Documents/Map%20of%20the%20Coastal%20Zone.pdf

Wild and Scenic River Map:

 $\frac{https://nps.maps.arcgis.com/apps/MapJournal/index.html?appid=ba6debd907c7431ea765071e9502d}{5ac}$ 

National Inventory Delaware List: <a href="https://www.nps.gov/subjects/rivers/delaware.htm">https://www.nps.gov/subjects/rivers/delaware.htm</a>

Sole Source Aquifer Map: <a href="https://www.epa.gov/dwssa/map-sole-source-aquifer-locations">https://www.epa.gov/dwssa/map-sole-source-aquifer-locations</a>

Flood Plains Map: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>

Wetlands Map and Inventory List: <a href="https://www.fws.gov/wetlands/data/mapper.html">https://www.fws.gov/wetlands/data/mapper.html</a>

Soils Map and Inventory List: <a href="https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm">https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</a>

Prime Farmland Map: <a href="https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143">https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143</a> 013686

Census Bureau Fact Finder Chart: <a href="https://factfinder.census.gov/faces/nav/jsf/pages/error.xhtml">https://factfinder.census.gov/faces/nav/jsf/pages/error.xhtml</a>

Environmental Justice Report/ Charts: <a href="https://ejscreen.epa.gov/mapper/">https://ejscreen.epa.gov/mapper/</a>

## **8 EA DETERMINATION AND SIGNATURES**

1.

## **ENVIRONMENTAL DETERMINATION – The FSA preparer of the EA determines:**

documentation attached hereto, I find that this proposed action

Based on an examination and review of the foregoing information and supplemental

2.				roval Official for this action make the following compliance ed environmental requirements.
	Not in compliance	In compliance	Not applicable	
-	omphance	compliance	applicable	National Environmental Policy Act
				Clean Air Act
				Clean Water Act
-				Safe Drinking Water Act
-				Endangered Species Act
-				Coastal Barrier Resources Act
-				Coastal Zone Management Act
				Wild and Scenic Rivers Act/National Rivers Inventory
				National Historic Preservation Act
				Subtitle B, Highly Erodible Land Conservation, and Subtitle C,
				Wetland Conservation, of the Food Security Act
				Executive Order 11988 and 13690, Floodplain Management
				Executive Order 11990, Protection of Wetlands
				Farmland Protection Policy Act
				Department Regulation 9500-3, Land Use Policy
				E.O. 12898, Environmental Justice
3.	environ	mental impact	ts identified	ne types and degrees (context and intensity) of adverse by this assessment. I have also analyzed the proposal for its cal policies, particularly those related to important farmland
J.	protecti conside	ration of these Be approved v Impact (FONS	e factors, fro without furth I) prepared.	he potential benefits of the proposed action. Based upon a m an environmental standpoint, this project may: ner environmental analysis and a Finding of No Significant of the reasons identified under item b.
	protecti conside	ration of these Be approved v Impact (FONS	e factors, fro without furth I) prepared.	m an environmental standpoint, this project may: ner environmental analysis and a Finding of No Significant
	protecti conside	ration of these Be approved v Impact (FONS Not be approv	e factors, fro without furth I) prepared.	m an environmental standpoint, this project may: ner environmental analysis and a Finding of No Significant
	protecti conside	ration of these Be approved v Impact (FONS Not be approv	e factors, fro without furth I) prepared.	m an environmental standpoint, this project may: ner environmental analysis and a Finding of No Significant of the reasons identified under item b.

## **Environmental Determination – FSA State Executive Coordinator determines:**

Printed Name

	on my review of the foregoing Environmental Assentation, I have determined:	sessment and related supporting
		and assessment has been completed, and t (FONSI); therefore, an EIS will not be prepared ntinue without further environmental analysis.
	The Environmental Assessment is not adequate the following reason(s):	e and further analysis or action is necessary for
	The Environmental Assessment has established the following reason(s):	I the proposed action cannot be approved for
Additio	nal SEC Comments:	
Signat	ure of SEC	Date