

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

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Proposed Expansion to Existing Poultry Operation  
Rum Ridge Road  
Delmar, MD 21875  
Wicomico County, MD**

**Prepared By  
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**March 7, 2018**

## COVER SHEET

<b>Proposed Action:</b>	The Farm Service Agency of the United States Department of Agriculture proposes to provide Farm Service Agency assistance for construction of (4) 61' x 560' poultry houses, generator shed, and manure shed; grading of property; installation of a storm water management pond, swales and wide grass buffers. The project would be located at 9276 Rum Ridge Road, Delmar, MD 21875. Tax Map: Map 0021, Grid 0004, Parcel 0009.
<b>Type of Document:</b>	This is a site-specific Environmental Assessment
<b>Lead Agency:</b>	United States Department of Agriculture (USDA) Farm Service Agency (FSA)
<b>Cooperating Agencies:</b>	None
<b>Further Information:</b>	Farm Service Agency, Farm Loan Programs 30730 Park Drive Princess Anne, MD 21853
<b>Comments:</b>	<p>This Environmental Assessment (EA) was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR 799, as well as the NEPA of 1969, Public Law 91-140, 42 US Code 4321-4347, as amended.</p> <p>A copy of the Draft EA and related material is available at the Somerset County FSA Office located at 30730 Park Drive Princess Anne, MD 21853 and is posted to the FSA State website at: <a href="https://www.fsa.usda.gov/state-offices/Maryland/resources/index">https://www.fsa.usda.gov/state-offices/Maryland/resources/index</a></p> <p>Written comments regarding this EA can be submitted 30 days from the first date of publication.</p> <p>Proposed Expansion, Poultry Operation- Rum Ridge Rd Comments Farm Service Agency, Farm Loan Programs 30730 Park Drive Princess Anne, MD 21853</p>

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## ACRONYMS AND ABBREVIATIONS

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

## APPENDICES

- A. Project Area Maps
- B. Site Photos
- C. Required Permits and Plans
  - Storm Water Management Plan
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- G. Wilderness Areas Supporting Documentation
- H. Wild and Scenic Rivers/ Nationwide Rivers Inventory Supporting Documentation
- I. National Natural Landmark Supporting Documentation
- J. Floodplains and Sole Source Aquifer Supporting Documentation
  - Flood FEMA Map
  - Sole Source Aquifer Map
- K. Wetlands Supporting Documentation
  - NRCS Determination and Correspondence
- L. Soils Supporting Documentation
  - NRCS Correspondence
- M. Right to Farm Bills
  - State of Maryland
  - Wicomico County
- N. Copies of Notices of Availability of Draft EA from all newspapers

# 1. INTRODUCTION

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## 1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to provide assistance for the applicant to establish a (4) 61'x 560' poultry house operation on 22.0 acre tract of land already owned by the applicant. The facility would have capacity to house 223,287 birds at one time. The proposed project site would be located at 9276 Rum Ridge Road in Wicomico County, approximately 4.5 miles east of the city of Delmar, MD. The proposed site is not located in an area of the state identified by regulatory authorities as being subject to unusual agricultural restrictions. Appendices A and B contain maps and photos of the proposed project area. A detailed description of the components of the proposed action, the project site and related surrounding area of potential effect is further described in Section 2.1 of this document.

## 1.2 Purpose and Need for the Proposed Action

The purpose of the proposed project/action is to implement USDA, Farm Service Agency programs, to make available economic opportunity to help rural America thrive, and to promote agriculture production that better nourishes Americans and help feed others throughout the world. FSA is tasked with this mission as provided for by the Food and Security Act of 1985 as amended, the Consolidated Farm and Rural Development Act as amended, and related implementing regulations found in 7 CFR Parts 762 and 764.

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

FSA Farm Loan Program Assistance is not available for commercial operations or facilities that are not family farms, or to those having the ability to qualify for commercial credit without the benefit of FSA assistance. The applicant(s) has been determined to be a family farm as defined by 7 CFR 761.2. The proposed action would allow them the opportunity to establish their family farming operation and provide the economic stability to meet the needs of the family.

In addition, livestock integrators have a demand for new facilities such as these to provide an adequate supply for processing plants and keep them operating at an economically feasible capacity. Specialized livestock facilities such as those proposed, have a limited useful life as they become functionally obsolete as technology advances. Accordingly, a pipeline of new facilities is necessary to insure an adequate and economical supply of low cost protein food for the nation.

## 1.3 Decision To Be Made

FSA's decision is whether to:

- Approve the applicant's request;
- Approve the request with additional mitigations; or
- Deny the request.

## 1.4 Regulatory Compliance

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

All fifty states have enacted right-to-farm laws that seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who opt to reside in rural areas where normal farming operations exist, and who later use nuisance actions to attempt to stop those ongoing operations. The Right to Farm law for the state of Maryland is designed to protect agricultural operations, with an affirmative defense to nuisance suits. Wicomico County also has a right to farm ordinance Chapter 186. This operation would be protected since it is already an existing agricultural operation.

## 1.5 Public Involvement and Consultation

Scoping is an early and open process to involve agencies, organizations, and the public in determining the issues to be addressed in the environmental document. Among other tasks, scoping determines important issues and eliminates issues determined not to be important; identifies other permits, surveys and consultations required with other agencies; and creates a schedule that allows adequate time to prepare and distribute the environmental document for public review and comment before a final decision is made. Scoping is a process that seeks opinions and consultation from the interested public, affected parties, and any agency with interests or legal jurisdiction.

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### 1.5.1 Internal Scoping

USDA staff of various specialties have been consulted regarding the purpose and need, issues and impact topics appropriate for consideration for the proposed action. A site visit and pedestrian review was completed by a FSA Farm Loan Officer on February 21, 2018. For site visit notes and photographs see Appendix B.

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### 1.5.2 External Scoping

USDA FSA has completed research including the following:

- Research of U.S. Fish and Wildlife Service (USFWS) - Information, Planning, and Conservation System (IPaC) about the proposed action's potential to affect federally listed species as required by the Endangered Species Act of 1973. See Appendix D.

- Consultation with the State Historic Preservation Officer (SHPO) to ensure that compliance with the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met and that significant impacts to historic properties would not result from the proposed action. See Appendix E.
- Consultation with Ms. Susan Bachor, Delaware Tribe Historic Preservation Representative and also Kimberly Penrod with Delaware Nation, (THPO), to ensure that compliance with the requirements of Section 106 of the NHPA are met and that significant impacts to historic properties would not result from the proposed action. See Appendix E.
- The Maryland State Clearinghouse for Intergovernmental Assistance who consults with and request input from their cooperating agencies including but not limited to Maryland Department of Planning and Zoning, Maryland Department of Environment, which is responsible for the General Discharge Permit (GD), Notice of Intent (NOI) as well as the Concentrated Animal Feeding Operation Permit (CAFO). See Exhibit C
- Input and assistance was provided by Natural Resource Conservation Service, who worked with the farm owner/operator in formulating an appropriate Comprehensive Nutrient Management Plan (CNMP), and also the Wicomico County Soil Conservation District approved the erosion and sediment control plan; the Wicomico County Department of Public Works approved the Site plan, and Wicomico County Building Inspection Department who approved the building permit. See Appendix C
- Maryland Department of Agriculture, Wetlands and Waterways Program, which encompasses those charged with Coastal Zone Management (CZM). See Exhibit F

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### **1.5.3 Public Involvement**

This document is available for public review and comment at the Somerset County FSA, 30730 Park Drive Princess Anne, MD 21853. It is also available for the same time period at the FSA State website at: <https://www.fsa.usda.gov/state-offices/Maryland/resources/index>. A notice of the availability of the document will be published in The Daily Times March 28 through March 30, 2018 and posted to the FSA State website at: <https://www.fsa.usda.gov/state-offices/Maryland/resources/index>. Written comments may be submitted to Proposed Expansion, Poultry Operation- Rum Ridge Rd Comments Farm Service Agency, Farm Loan Programs 30730 Park Drive Princess Anne, MD 21853 through April 27<sup>th</sup> 2018. All comments received will be carefully considered and analyzed before FSA's final decision is made.



## 2. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

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### 2.1 Alternative A - Proposed Action

The site of the proposed action is located on approximately 22.0 acres in Wicomico County approximately 4.5 miles east of the town of Delmar. The current land is being used as cropland which the majority will be used for the poultry house construction. There are two existing poultry houses in use, a manure shed and a residence. See Appendix A and B.

The surrounding area supports similar poultry operations as evidenced by the aerial photo. See Appendix A. There is a county road that borders the tract on the south, trees to the east, cropland to the north, poultry houses to the west. The nearest neighbor, also a poultry farmer, is located approximately .20 miles to the west; the nearest church and school is located almost 4 miles from the subject project site. See Appendix A.

The proposed action includes construction of four (4) 61' x 560' poultry houses and related infrastructure including manure shed, wells, etc. in Delmar, Wicomico County, MD on land that is currently cropland. Leveling at the pad sites would occur, with sloping to accommodate surface water runoff. A storm water management pond would also be constructed per plans by the Wicomico County Soil Conservation District. See Exhibit A. Construction would take place during the day and would likely begin in the late spring. During the construction phase the contractors will follow the general discharge permits to minimize impacts to water quality.

The proposed operation has the potential capacity to house up to 223,287 broilers per flock at maximum capacity. The integrator's contract and typical practices in the area indicates a target weight of 7 lbs., which is subject to change with the integrators ever changing needs based on supply and demand.

It is estimated that 1,500 tons of litter would be produced annually. Litter would be stored in a manure shed and would be removed from the site and exported off the farm to a private individual for their use. All litter sold for land application would require that any buyer of litter hold appropriate permits, including nutrient management plan or equivalent for any land application as required by the State of Maryland.

The project site consists of disturbance of approximately 12.3 acres. There will some overgrowth and trees removed. Minimal disturbance would occur to drill the two proposed wells. See Appendix C.

A manure shed will be built immediately south of the new poultry houses. The Wicomico County NRCS office is accepting applications for cost share on manure sheds, and the applicants are on this list (if applicable). NRCS has determined the size/design necessary to provide adequate space to meet the project's litter storage and composting needs. The manure shed would be built to their specs per the CNMP. If cost share is not available due to lack of funding, the primary lender has approved a non-guarantee loan to cover this cost. See Appendix C.

The Maryland Department of Environment is tasked with responsibility for protecting air, water and land resources in the State from the threat of pollution. They are responsible for establishing appropriate standards necessary for planning and permitting processes, inspections and monitoring for compliance and related enforcement. Their planning and permitting processes establish requisite site specific standards and include provisions for related best management practices designed to avoid risk and

mitigate potential impacts to important resources. The proposed action would be required to have the following permits and plans and use best management practices and actions. The applicant will operate under the requirements of the Comprehensive Nutrient Management Plan (NMP), National Pollutant Discharge Elimination System (NPDES) General permit for Stormwater Associated with Construction Activity, Erosion and Sediment Control Plan, General discharge permit for Animal Feeding Operations, and a Concentrated Animal Feeding Operations (CAFO) permit. Exhibit C.

## **2.2 Alternative B - No Action Alternative**

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

## **2.3 Alternatives Considered but Eliminated From Analysis**

Other locations for the farm or other uses for the land in question are not considered here because such options do not meet the purpose and need for the proposed action. The applicant has applied for FSA assistance to fund the purchase of land and construction of the poultry operation. 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.

Similarly, alternative design features of the project components are not considered as they would alter the intended use of the infrastructure proposed. The producer'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.

### 3. AFFECTED ENVIRONMENT AND IMPACTS

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The impacts to a number of protected resources, as defined in FSA Handbook 1-EQ (Revision 3) Environmental Quality Programs for State and County Offices, are considered in this EA. Some resources are eliminated from detailed analysis following CEQ regulations (40 CFR 1501.7), which state that:

*“the lead agency shall identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a significant effect on the human or natural environment.”*

Resources that are not eliminated are carried forward for detailed analysis. The table below shows the resources that are eliminated from detailed analysis and those carried forward. Section 3.1 contains discussions of those resources eliminated from detailed analysis. Section 3.2 describes the existing conditions for resources carried forward for detailed analysis and the anticipated impacts to those resources resulting from the proposed action.

Resource	Eliminated	Carried Forward
Wildlife and Habitat		X
Cultural Resources		X
Coastal Barriers	X	
Coastal Zones		X
Wilderness Areas	X	
Wild and Scenic Rivers, NRI	X	
National Natural Landmarks	X	
Sole Source Aquifers	X	
Floodplains	X	
Wetlands	X	
Soils	X	
Water Quality		X
Air Quality		X
Noise	X	
Important Land Resources	X	
Socioeconomics and Environmental Justice	X	

#### 3.1 Resources Eliminated from Detailed Analysis

##### Coastal Barriers

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

## **Wilderness Areas**

Wilderness areas are eliminated from detailed analysis because the proposed action is not located within one mile of a Wilderness Area and would not create a disturbance that could be observed from a Wilderness Area. There are currently no Wilderness areas in Maryland or Delaware. See Appendix G.

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

Wild and Scenic Rivers/Nationwide Rivers Inventory are eliminated from detailed analysis because the proposed action is not located within ¼ mile of a Wild and Scenic River or River listed on the Nationwide Rivers Inventory, would not involve destruction or alteration or cause a disturbance to such a river. The nearest designated Wild and Scenic River, White Clay Creek, is located in Northern Delaware approximately 100 miles north from the project site. The nearest river listed on the Nationwide Rivers Inventory is the Nanticoke River, located approximately 17 miles west from the proposed site. See Appendix H.

## **National Natural Landmarks**

There are five of National Natural Landmarks in the state. The site of the proposed action is not located near any of these nor does it threaten to alter or impair them. The closest landmark is Gilpin's Falls around 115 miles north of the project. Due to the distance National Natural Landmarks are eliminated from detailed analysis. See Appendix I.

## **Sole Source Aquifers**

Sole source aquifers are eliminated from detailed analysis because there are no sole source aquifers or recharge areas on the Eastern Shore of Maryland. See Appendix J.

## **Floodplains**

Floodplains are eliminated from detailed analysis because there are no floodplains located in the project area or adjacent to the project site of the proposed action. This determination is based on a flood plain map obtained on the FEMA portal. See Appendix J.

## **Wetlands**

Wetlands were eliminated from detailed analysis because there are no wetlands in the project area and the proposed action would not result in discharge or fill into any wetlands. In addition, applicants executed Forms AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (W) Certification, on January 23, 2018, to certify compliance with the highly erodible land and wetland conservation provisions. See Appendix K.

## **Soils**

Soils are eliminated from detailed analysis because the land would not be cropped and is therefore not subject to the Highly Erodible Land provisions of the Food Security Act. See Appendix L.

## **Noise**

Effects on noise were eliminated from detailed analysis. There are no state or local noise ordinances with which the operation would not be in compliance. The increase in noise level during construction would be temporary, resulting from operation of heavy equipment during normal working hours. Construction of a facility of this type would typically take 6 months from start to finish.

Truck traffic servicing the facility would occur infrequently during normal daylight working hours. Delivery of feed, bird placement, flock collection, and removal of waste/litter requires occasional truck and equipment operation during the evening and early morning hours. The farm's backup generator would only be in operation during a power outage or for routine testing. Ambient noise levels in the vicinity of the facility would increase during operations due primarily to ventilation fans needed for heating and cooling of the buildings. Sound levels will be controlled as warranted by use of sound barriers, plantings, or other measures to reduce noise levels to within acceptable levels in accordance with Environmental Noise Standards.

### **Important Land Resources**

Prime and unique farmland, forestland and rangeland resources are eliminated from detailed analysis because the proposed action would not result in prime and/or important farmland being converted to a nonagricultural use.

### **Socioeconomics and Environmental Justice**

No impact to population, housing, income, or employment in the region are anticipated to result from the proposed action, nor are disproportionate adverse impacts to minority or low income populations anticipated. Therefore, socioeconomics and environmental justice are not carried forward for detailed analysis.

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

This section describes the environment that would be affected by implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Under the no action alternative, the proposed action would not be implemented. The no action alternative would result in the continuation of the current land and resource uses in the project area. This alternative will not be evaluated further in this EA.

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### ***3.2.1 Wildlife and Habitat***

#### **Existing Conditions**

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

A list of threatened and endangered species and designated critical habitat for site area was obtained from the US Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system. (See Appendix D). The following species are known to reside in the county: migratory birds. There is not any designated critical habitat for these species in the proposed area. Impacts would typically be of de minimus and not significant. No effect was noted.

FSA consulted with the USFWS on January 29, 2018 regarding the potential of the proposed action to affect threatened and endangered species. USFWS response states that there are no threatened, endangered, or candidate species on this species list in the area, nor any critical habitats or refuges or fish hatcheries within the proposed area. See Appendix D for agency correspondence.

### **Impacts of Proposed Action**

The proposed action would result in the clearing a small amount of trees/brush which was previously disturbed and used as cropland. This represents a loss of habitat for breeding birds.

USFWS stated that the proposed area has no threatened, endangered, or candidate species. There are also no critical habitats within the proposed project area. There are also no refuges or fish hatcheries within the proposed project area.

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

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### ***3.2.2 Cultural Resources***

#### **Existing Conditions**

Since the proposed action involves ground disturbing activities in areas not previously evaluated or previously disturbed to the depth required for the proposed action, cultural resources requires detailed analysis. A site visit was conducted by April Benton, FSA, Farm Loan Officer. See Appendix B for notes and photographs.

FSA consulted with the State Historic Preservation Office (SHPO) through the Maryland Clearinghouse, Maryland Department of Planning on January 29, 2018 by providing the location and details of the proposed action. No comments were received. See Appendix E for emails.

Additionally, FSA consulted with the following federally recognized Tribes: Delaware Tribe of Indians and Delaware Nation. Letters describing the location and details of the proposed action were sent on January 31, 2018. A response was received from Delaware Nation concurring with the proposed project. No response was received from the Delaware Tribe of Indians. See Appendix E for emails.

#### **Impacts of Proposed Action**

Based on the consultation with SHPO, Delaware Nation and Delaware Tribe of Indians, where no comments were received, it is anticipated that no impacts to known cultural resources are expected as a result of the proposed action. Impacts to previously unidentified historic properties, including archaeological and historic resources, could occur during land clearing and construction. If such resources were to be encountered all activities would stop, FSA state and national office personnel would be notified, and the resources would be professionally evaluated for eligibility for listing on the National Register of Historic Places

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### ***3.2.3 Coastal Zone***

#### **Existing Conditions**

Because the proposed action involves potential impact to the Coastal Zone, FSA consulted with the State Wetlands and Waterways Program which is part of the Maryland Department of Environment on January 29, 2018 by providing the location and details of the proposed action. The Maryland Federal Consistency Coordinator provided a response on February 16, 2018, which indicated that “based on the information provided, the proposed project is consistent with the Maryland Coastal Zone Management

Program, as required by the CZMA, provided that all permits and approvals from the Maryland Department of the Environment that may be necessary for the project are obtained. See Appendix F for emails.

### **Impacts of Proposed Action**

Based on the consultation with MDE, no impacts are anticipated to result from the proposed action.

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### ***3.2.4 Water Quality***

#### **Existing Conditions**

In the state of Maryland, the Maryland Department of Environment has the authority to enforce provisions of the Clean Water Act that are protective of water quality and to issue permits that are protective of water quality standards. This authority is delegated to them by the Environmental Protection Agency.

Maryland Department of the Environment issues Storm-water National Pollutant Discharge Elimination System (NPDES) Permits to protect surface waters from contamination from runoff associated with construction. Coverage under the 2014 General Permit is required for construction that causes ground disturbance in excess of 1 acre. Projects that will ultimately disturb one acre or more must obtain a General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance on the first part of the project. All projects should seek coverage under the General Permit rather than an Individual Permit unless otherwise directed by MDE. Storm Water Pollution Prevention Plans are documents that describe construction activities to help prevent storm-water contamination, and control sedimentation and erosion, in order to prevent significant harm to surface waters and comply with the requirements of the Clean Water Act. MDE is also responsible for issuing Non-storm-water NPDES Permits issued to facilities that discharge water. Animal Feeding Operations and Confined Animal Feeding Operations that do not discharge into waters of the state and MDE does not require NPDES permits for ongoing operations in this state.

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

The Andrews Branch lies approximately 1,500 feet from the proposed action in the 02130304 watershed. Per Maryland 303(d) the watershed is listed as impaired, due to pathogens, sediments and nutrients.

#### **Impacts of Proposed Action**

The proposed action would disturb 19 acres of land. The owner has submitted required paperwork to the Maryland Department of Environment and been granted coverage under Storm-water NPDES

General Permit. See Appendix C. With adherence to the best management practices described in the SWPPP, no impacts to surface water from the proposed construction are anticipated. The farm does not discharge into waters of the state and therefore no impacts to state surface waters are anticipated. Any land application of litter produced on the farm would be in compliance with MDE requirements in order to be protective of surface water quality.

The applicant would not land apply litter as fertilizer on the proposed site. The CNMP is a no-land CNMP. The farm has an approved NMP which outlines where the litter would go and the user of the litter also has a NMP which would describe the conditions under which litter can be applied in order to be protective of surface water quality. See Appendix C for CNMP.

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

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### **3.2.5 Air Quality**

#### **Existing Conditions**

The site of the proposed action lies in Wicomico County in a rural area. The surrounding area (within 5 miles) consists of other poultry operations, cropland, and residential areas. The area is currently open cropland. During the time that the site plan was approved, Wicomico County required 100' setbacks from all property lines. A proposed two row windbreak will be established consisting of Green giants shown on the site plan map must also be in place after construction of the proposed action, as well as a grass swale. See Appendix C.

As of February 13, 2018, the state and county of Wicomico County, Maryland are not in attainment for all criteria pollutants established by the Environmental Protection Agency in compliance with the Clean Air Act.

The farm would have the potential to have reportable quantities of emissions from livestock waste subject to be reported to the EPA. The EPA is working to assess emissions from livestock waste and requires those having the potential to have reportable quantities to be assigned a facility number for reporting purposes. The subject farm has reported to the EPA and been assigned a facility number AI 68470. The EPA has recognized there is currently no generally accepted methodology for estimating emission quantities from livestock waste and acknowledges that releases fluctuate widely based on varying conditions (seasonality, weather conditions, facility age and type of construction, age of livestock, periods held, etc). Other emissions in the form of greenhouse gases produced by agriculture are primarily the result of the use of fossil fuels in running livestock facilities (electricity, heating, ventilation) and the use of trucks and other equipment (generators, tractors) on farms and are not reportable.

There are no local ordinances regulating odor or emissions from livestock waste.

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



Wicomico County Maryland also has a local Right to Farm Law. The Right to Farm Law was adopted by the County Council of Wicomico County 6-24-1997 by Bill No. 1997-5. "It is the declared policy of the County to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations can become the subject of lawsuits. As a result, agricultural operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose of this law to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass, or other interference with the reasonable use and enjoyment of land, including, but not limited to smoke, odors, flies, dust, noise, chemicals or vibration; provided that nothing in the law shall in any way restrict or impede the authority of the state and of the County to protect the public health, safety and welfare, nor shall it restrict or impede private covenants."

### **Impacts of Proposed Action**

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

The proposed action is located in a rural area at distance of approximately 4 miles from the closest town or public building and is required to be approximately 100 feet from a dwelling. The closest dwelling appears to be over 1,000 feet from the proposed operation.

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

During operation of the farm, roads used by delivery trucks would be graveled to minimize dust. Dust generated while the facility is in operation would occur mostly during feeding. Humidity and misting systems in livestock housing units and containment areas would keep dust down within the production facility.

Odor and emissions would be controlled through management of the ventilation systems, and is necessary for bird health. The farm has been assigned an EPA facility number for monitoring potential for reportable quantities of emissions. The manure shed and poultry houses would be cleaned and waste removed per the specifications of the required management plan. The poultry houses will be crusted out approximately 50 % of the time and windrowing will be used the rest of the time. A total clean out will occur every 8 years, with the next total clean out anticipated to happen in 2021. The farm could store waste in a proposed 50'x100' poultry waste storage structure with a storage capacity of 26,000 cu ft., and could be stored until ready to export. Land application of waste on the farm is not proposed. Any land application, regardless of location is subject to related provisions of site specific nutrient management plans which restricts applications to limited windows of time, weather conditions and setbacks requirements in keeping with state permitting and management plan provisions as appropriate.

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

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

## 4. CUMULATIVE IMPACTS

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The cumulative impacts analysis is important to understanding how multiple actions in a particular time and space (e.g., geographic area) impact the environment. The Council on Environmental Quality regulations define cumulative effects as: "...the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions" (40 CFR § 1508.7).

Cumulative impacts most likely arise when a relationship exists between a proposed action and other actions occurring in a similar location or time period. Actions overlapping with or in proximity to the proposed action would be expected to have more potential for a relationship than those more geographically separated. Similarly, actions that coincide in time, may have the potential for cumulative impacts.

Establishing an appropriate scope for cumulative impacts analysis is important for producing meaningful analysis that appropriately informs agency decision making. This involves identifying geographic or temporal boundaries within which to identify other activities that could contribute to cumulative impacts to resources. Boundaries should consider ecologically and geographically relevant boundaries which sustain resources of concern. Temporal boundaries will be dependent on the length of time the effects of the proposed action are estimated to last and analysis commensurate with the project's impact on relevant past, present, and reasonably foreseeable activities within those boundaries. For example, small scale projects with minimal impacts of short duration would not likely contribute significantly to cumulative impacts. CEQ guidance (2005) reinforces this, stating:

*"The scope of the cumulative impact analysis is related to the magnitude of the environmental impacts of the proposed action. Proposed actions of limited scope typically do not require as comprehensive an assessment of cumulative impacts as proposed actions that have significant environmental impacts over a large area. Proposed actions that are typically finalized with a Finding of No Significant Impact usually involve only a limited cumulative impact assessment to confirm that the effects of the proposed action do not reach a point of significant environmental impacts"*

This cumulative impacts analysis focuses on the potentially affected resource (identified in section 3.2 of this document) and uses natural local boundaries to establish the geographic scope within which cumulative impacts could occur. Relevant past, present and reasonably foreseeable activities identified in Section 4.2 are based on potential geographic and temporal relationships with the proposed action within those identified boundaries. Cumulative effects on those resources are described in Section 4.3.

### 4.1 Past, Present and Reasonably Foreseeable Actions

Analysis of the cumulative impact is forward looking and focuses on the Eastern Shore of Maryland which includes the area where the proposed action would be implemented and the related area which includes the resources of concern. The purpose is to assess if the reasonably foreseeable effects of

the proposed action would have an additive relationship to other past effects that would be significant, and to examine its relationship other actions (e.g. Federal, State, local, and private activities) that are currently taking place or are expected to take place in the reasonably foreseeable future.

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

## **4.2 Cumulative Analysis**

Some resources considered for detailed analysis above (in Section 3.2) could be directly or indirectly affected by the proposed action and therefore the proposed action could contribute to additive or interactive cumulative effects to these resources. The significance of cumulative effects is dependent on how impacts compare with relevant thresholds, such as regulatory standards. Regulatory standards can restrict development by establishing thresholds of cumulative resource degradation (CEQ 1997):

“Government regulations and administrative standards...often influence developmental activity and the resultant cumulative stress on resources, ecosystems, and human communities. They also shape the manner in which a project may be operated, the amount of air or water emissions that can be released, and the limits on resource harvesting or extraction.”

Cumulative effects in this analysis are described relative to regulatory standards and thresholds in accordance with CEQ guidance. FSA relies on the authority and expertise of regulatory agencies, which have broad knowledge of regional activities that could affect the sensitive resources they are responsible for protecting, and to ensure through their permitting and consultation processes that its activities are not likely to contribute to significant negative cumulative resource impacts.

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### ***4.2.1 Wildlife and Habitat***

Contributions of the proposed action to cumulative impacts do include removal of existing vegetation and the loss and fragmentation of wildlife habitat. The site has been previously disturbed and planted as cropland, which could provide some value as wildlife habitat. The impacts would add to vegetation and habitat lost as a result of past, present and reasonably foreseeable activities in the region of the proposed action. This would include the loss of native vegetation to agriculture, and the addition of residential and commercial development, as well as construction of roads. The proposed action is not anticipated to result in long-term or adverse impact to endangered species or their habitat. No cumulative impacts are anticipated based on program requirements.

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### ***4.2.2 Cultural Resources***

Based on program requirements, which call for coordination and consultations with State and Tribal Historic Preservation Offices, no impacts to known cultural resources are expected to result from the

proposed action. There is potential for encountering unknown cultural resources during construction or ground disturbing activities. Though unlikely, potential loss and damage to unknown cultural resources could occur, adding to similar potential impacts from other past, ongoing, and future developments that have the potential to degrade and destroy cultural resources.

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#### ***4.2.3 Coastal Zone***

Based on program requirements, which call for coordination and consultation with Maryland Department of Environment, Wetlands and Waterways Program, no impacts are expected to result from the proposed action.

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#### ***4.2.4 Water Quality***

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

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#### ***4.2.5 Air Quality***

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

Air emissions from livestock waste and odor impacts from livestock facilities, waste, or land application of waste on the farm, would be irregular and infrequent in nature and of brief duration limited to periods of specialized or seasonal activities.

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

### **4.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. The term irreversible refers to the loss of future options and commitments of resources that cannot be renewed or recovered, or can only be recovered over a long period. Irreversible commitments apply primarily to the use of nonrenewable resources, such as minerals or cultural resources, or to factors such as soil

productivity, that are renewable only over a long period. Irretrievable refers to the loss of production or use of natural resources. For example, when a road is built through a forest, some, or all of the timber production from an area is lost irretrievably while an area is serving as a road. The production lost is irretrievable, but the action is not irreversible. If the use changes, it is possible to resume timber production. No irreversible resource commitments would occur as a result of the proposed action. Irretrievable resources include those raw materials and fuels used during construction or soil and ground disturbance.

## 5. LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

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List of Preparers	
Name and Title: April Benton , Farm Loan Officer	

Persons and Agencies Contacted	
Name and Title	Affiliation
Email: Maryland Clearing House	Maryland Department of Planning & Zoning
Susan Bachor	Delaware Tribe of Indians Historic Preservation Office
Kim Penrod	Delaware Nations
Marianna Eberle	Maryland Department of Environment: Source Protection and Appropriations Division
Elder Ghigiarelli	Maryland Department of Environment: Wetlands and Waterways Division
Online Request/Trevor Clark	US Fish & Wildlife Service

## 6. REFERENCES

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## EA Determination and Signatures

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

1. Based on an examination and review of the foregoing information and supplemental documentation attached hereto, I find that this proposed action:
 

☐ Would have a significant effect on the quality of the human environment and an Environmental Impact Statement (EIS) must be prepared;
   
☐ Would not have a significant effect on the quality of the human environment and, therefore, an EIS will not be prepared.
  
2. I recommend that the Project Approval Official for this action make the following compliance determinations for the below-listed environmental requirements.

Not in compliance	In compliance	Not applicable	
			National Environmental Policy Act
			Clean Air Act
			Clean Water Act
			Safe Drinking Water Act
			Endangered Species Act
			Coastal Barrier Resources Act
			Coastal Zone Management Act
			Wild and Scenic Rivers Act/National Rivers Inventory
			National Historic Preservation Act
			Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation, of the Food Security Act
			Executive Order 11988 and 13690, Floodplain Management
			Executive Order 11990, Protection of Wetlands
			Farmland Protection Policy Act
			Department Regulation 9500-3, Land Use Policy
			E.O. 12898, Environmental Justice

3. I have reviewed and considered the types and degrees (context and intensity) of adverse environmental impacts identified by this assessment. I have also analyzed the proposal for its consistency with FSA environmental policies, particularly those related to important farmland protection, and have considered the potential benefits of the proposed action. Based upon a consideration of these factors, from an environmental standpoint, this proposed action may:

- ☐ Be approved without further environmental analysis and a Finding of No Significant Impact (FONSI) prepared.
   
☐ Not be approved because of the reasons identified under item b.

Signature of Preparer	Date
Name and Title of Preparer: April Benton , Farm Loan Officer	

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

Based on my review of the foregoing Environmental Assessment and related supporting documentation, I have determined:

☐ The appropriate level of environmental review and assessment has been completed, and substantiates a Finding of No Significant Impact (FONSI); therefore, an EIS will not be prepared and processing of the requested action may continue without further environmental analysis. A FONSI will be prepared.

☐ The Environmental Assessment is not adequate and further analysis or action is necessary for the following reason(s):

☐ The Environmental Assessment has established the proposed action cannot be approved for the following reason(s):

Additional SEC Comments:

Signature of SEC	Date
Printed Name	