



# Comments

Environmental Assessment for Case No.: 03-03-428026307  
Jerry and Amy Tracy – Evening Shade, Arkansas

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# Environmental Assessment Comments

Arkansas Rights Coalition is a nonprofit organization. Arkansas Rights Coalition's mission is to defend the rights of Arkansas' rural citizens to protect and preserve our quality of life, our clean water and healthy environment, and the well-being of our rural communities through education and support.

All comments are based only upon the text and data contained within the EA and supporting documents presented. In no case is any comment based upon assumptions, missing or alternate data, personal preferences, or any other influences or information not provided within the EA or any of its attachments. All requests for information, clarification, and/or supporting methodology, qualifications, mechanisms, or rationale are for the purposes of accurately evaluating the Environmental Assessment, impacts (potential and actual) to the health safety and welfare of local citizens and the local community, environment, financial impacts of the project to the surrounding residents and the local community, and the quality of life within the subject area.

The primary issues with the EA is three-fold; 1) the EA and Form 1940-20 contain a large number of false statements and opinions which are not reflective of actual conditions and circumstances; 2) the EA content is highly inaccurate and does not reflect the real and substantial risks to the nearby residents and the environment and therefore does not support a Finding of "No Significant Impact", and; 3) the process and procedures required for a FSA guaranteed loans has not been followed in this instance significantly hinders public comment efforts and dismisses the concerns of those most affected.

Notably the issues associated with this project is not an isolated case in this region, i.e. (The Farm Service Agency arbitrarily determined that C & H would have no significant impact on the environment. The Environmental Assessment that supported the Finding of No Significant Impact was cursory and flawed. It didn't mention the Buffalo River. It didn't mention Big Creek. It didn't mention the nearby Mt. Judea School. It didn't mention the Gray Bat. The Agency concluded that any environmental effect C & H might have would be mitigated by following the Arkansas Department for Environmental Quality's waste-disposal plan. But the Farm Service Agency failed to give reasons for that generalized conclusion. And while it certainly could've relied on the ADEQ's mitigation measures, at a minimum the Farm Service Agency had to make the case for doing so in its Environmental Assessment. Dailey, 977 F.2d at 435-36. It didn't).

**Special Note regarding the EA:** We have received a number of copies of the EA with differing information yet each is noted as being dated the same. The changes were noted by the FSA as being "typos" which would indicate misspellings or grammatical errors. The errors were in fact the name of the person for which the EA was completed and the location of the project which are not misspellings or grammatical errors. The changing of a final document without due process hinders the review process and leaves the question of how the EA will be further changed to suit the purposes of the OMP Farms LLC (which is named as the beneficiary). These are in fact not typos but a symptom of "cut and paste" actions which indicate the EA is in fact just a copy of another flawed EA developed as necessary to obtain that particular loan backing for a different project. This would indicate that the EA is merely a paperwork process and does not contain any relevant information. From what is understood about the approval process is that the EA is THE document upon which the determination of the project suitability is made. It would seem that due to the importance of this document and the process that more effort would be made to ensure that accuracy and factual documentation is presented. The health and well-being of the local residents, the environment, and the quality of life for the community are at stake. The dismissal of the local citizens as being "low-income" insinuating, and just because there may be residents that are "low-income" they are not susceptible to the same offenses, health risks, and/or financial impacts as are higher income citizens is both discriminatory and illegal.

The following list is an overview of the inconsistencies and false statements made by the applicant and agreed by the FSA per the signing of the EA. The citizens of rural IZard County are entitled to their rights and shall preserve those rights past the March 31, 2016 deadline for comments.

**NOTE:** Dismissal of any of the comments within this document either wholly or in part is not an acceptable action. Should any comment be dismissed in whole or in part without satisfactory resolution it shall be vigorously and exhaustively protested through all available means both publically and through litigation. Further should any notice of acceptance of the FONSI by the FSA, Notice to Proceed given to either the bank or to the applicant, or any other activities associated with this project verbally or physically be undertaken before all comments are fully resolved, the citizens of this community shall seek resolution through litigation and restitution as applicable.

Failure to adequately respond to comments in whole or in part violates NEPA.

This effort is of the highest priority for the citizens of this area as our health, the environment, quality of life, and our financial well beings are at stake. A great number of the comments within this document mirror those submitted in July of 2015 by the citizens of the area as this same project was initiated last year. Subsequently upon announcing that the project was not going to proceed through the FSA two (2) of the most outspoken local residents suffered vandalism involving firearms which was reported to the police. This was taken by the victims and local citizens as an intimidation effort which will not be tolerated. Further instances of intimidation against us speaking out against the CAFO, as we are entitled to do, is not acceptable.

Some of the inconsistencies, concerns, and omissions within the Tracy EA dated 2-16-16 are as follows; however, are not limited to:

- The identified area of the project is inconsistent with the actual location
- The identified local community water system does not exist
- There are no gaseous or liquid wastes identified
- The claim that the project will not adversely affect or create any new transportation patterns is false
- The claim that the existing public road system is sufficient is false
- The claim that the proposed project will not adversely affect existing land uses is false
- The claim that no toxic substance will be produced by the project is false
- The claim that there are no objections to the project is false
- The claim that there are existing similar projects in the area is false
- The claim that the impact to the residents of the area are minimal are false
- The certification that a public hearing is not required is false
- The claim that the project will not affect wildlife is false
- The claim that the project is located as far from residences as possible is false
- Alternate plans were not identified
- The area does not contain other similar facilities as stated in the EA
- Sharp County threatened and endangered species of greatest conservation need were not identified
- The claim that no wetlands will be affected is false
- The claim that there are no flood plains on the tract is false
- The claim that water quality is periodically tested is false
- The claim that there is no HEL cannot be verified as the 1940-20 points out erosion
- The claim that traffic will not “noticeably” increase is false
- The claim that the project will not adversely affect nearby residents is grossly false and will in fact introduce significant health, economic, and safety risks

- The claim that there is a minority population in the area is false
- The claim that the majority of the residents in the area are low income is false
- The claim again that the project will not have an effect on the low income residents is false
- The references for the entire document were limited to five (5) internet searches
- There has been no physical survey of the proposed site for the project
- The claim that the project is considered an agricultural enterprise is not agreed to by all nearby residents
- The EA preparer has provided no data or referenced any credible peer-review information or studies on which to base any claim, conclusion, or statement concerning the area, the local population, the impacts, or the actual conditions that exist at the proposed project site
- There are no considerations for local meteorological or topographical conditions which will amplify air and water degradation
- There is no mention of the spring fed tributary to the Piney Fork of the Strawberry River which borders the property or that Piney Fork of the Strawberry River is in close proximity
- There is no mention or consideration of the local water wells and springs used for drinking water
- There is no mention or consideration of the karst topography and sub-surface drainage features
- There is no mention or consideration of nearby businesses
- Wetland area on the subject property has not been property evaluated
- There is no mention or consideration of the electrical grid capacity for the project
- There is no information or consideration regarding cumulative effects
- There are a number of significant risks identified with a claim that no mitigation measures needed which is false

### Summary Comment

This summary comment in no way precludes any details contained within any of the individual comments of this document. The EA provided by the FSA re Jerry Tracy has been reviewed and found to be deficient and contain false information. The process required by FSA has not been adhered to in the development of the EA, its conclusion, or data. The EA itself does not contain all the necessary elements required to perform an accurate analysis of the environmental impact posed by the project. The EA is riddled with inaccurate and incorrect data and subsequently unreliable conclusions. There is no supporting data or other information for the EA contents. Moreover the proposed project will cause substantial damage to the surrounding residents, and community. Through the public review process the inaccuracies and false information concerning the community and its citizens has already caused irreparable damage. The undue stress, costs, loss of income, and other detrimental effects already incurred by the local community by this proposed action is a negative influence on the health, safety, and wellbeing of its citizens. The EA and the process for this project are significantly flawed and to render a determination of No Significant Impact based upon five internet searches and the preparer's opinions alone is unacceptable. Further, the content of the 1940-20 provided by the applicant have been found to contain false statements, inaccuracies and omissions therefore should be both discarded with respect to the EA and investigated as to why false information has been provided to a federal agency in order to obtain financial gain. This is both unacceptable and illegal and must be fully investigated.

A process which ultimately determines the health, safety, and well-being of rural citizens should not be taken lightly or disregarded as a nuisance. It should be handled with the upmost in transparency, integrity, and fairness without regard to social status, income level, or perceived tolerances.

Due to the inaccuracies, numerous false statements, false allegations, and omissions, the EA and its exhibits are unreliable as a source documents and cannot support a Finding of No Significant Impact. We request that the



FSA reject the project in its entirety due to the public health, public welfare, environmental, and financial risks posed to the residents of the community. Should the applicant and bank continue pursuit of the project the FSA should require a re-submission of all information demanding credible data collection methods and qualified personnel including the undertaking of a full Environmental Impact Statement.

The agency failed to adequately consider the impacts under NEPA, the APA, the ESA, and the Golden & Bald Eagle Protection Act, and failed to take a “hard look” at what the proposed project may do to the environment, and at the alternatives.

The current EA, 1940-20 and all supporting documentation is considered to be flawed and cursory at best and any determination which leads to a FONSI will be arbitrary and baseless. The following comments are derived from the review of the EA and its adherence to FSA procedures and guidelines.

It is clear that the FSA failed to take a hard look and thoroughly investigate issues where there is incomplete, inadequate, misleading, and false information. Further with regard to cumulative effects, allege that the agency failed to identify a cumulative effects analysis area, a geographic scope, or a temporal scope to determine what other federal, state, and/or private projects should be considered in relation to the current action.

Throughout the EA numerous references are made to standards for PECO, standards for OMP, statement of fact without baseline or supporting data yet none of the referenced data was made available to the reviewer for comment. This is clearly a violation of due process and represents a failure on the part of the FSA to comply with its own procedures.

The residents of this community have been unjustly ignored by the agency (FSA) throughout this process and through clear bias demonstrated within the EA have been dismissed as irrelevant to the decision process. We demand that our voices be heard and our rights not be trampled by the action of the agency. We are not irrelevant, second-class citizens as the EA would have one believe, nor are we without recourse.

### Comment 001

7 CFR §1940.309(a) requires the prospective applicant to provide data on any expected gaseous, liquid and solid wastes to be produced. The EA does not provide any “data” on the wastes expected from this project. There is mention of a number of wastes to be generated by the facility:

- Manure from the birds – there is no data provided as to the volume, content, storage/handling procedures, etc.
- Dead birds – there is no data provided on the expected quantity of dead animals to dispose of or how disposal will be handled. This is a significant concern for the health and welfare of the community at large as well as nearby residents. Dead animals provide for a host of significant health risks from disease vectors which can significantly impact both humans and animals. With recent bird flu epidemics ravaging the poultry industry it is reasonable to expect that this facility will not be immune to this potential. There is nothing within the EA which suggests that this has been addressed or considered with respect to the health of the nearby residents and community. Further the issues associated with dead birds pose a risk to both domestic and wild animals with respect to disease and other health risks.
- Gaseous wastes – there is no quantification or details provided regarding gaseous wastes other than a mention or two of odor. This is a health concern for all of the nearby residents from the perspective that there are known constituents which are toxic and the USEPA has issued Maximum Lifetime Exposure Limits for ammonia and H<sub>2</sub>S. Without the quantities and concentrations being identified it is not possible to determine the degree to which nearby residents are at risk.

- Liquid wastes – given the number of animals proposed there will be significant amounts of water utilized at this facility. The design of the facilities are such that wastes excreted by the animals are not captured on an impermeable surface. There is an opportunity for leaching and migration outside the covered area where runoff is possible. This is a health concern as many residents are on shallow wells and even springs for their sole source of water.
- Runoff – is eminent as wastes will come in contact with precipitation with the resultant runoff entering a karst environment with significant underground drainage networks. These networks and the karst topography provide recharge for the wells and springs present in the area. By default any contamination carried by runoff will not only impact drinking water sources it will impact the Piney Fork of the Strawberry River which is an Extraordinary Resource Waterbody and a Natural and Scenic Waterway as well as being listed on the NRI as having Outstanding Remarkable Values as a Scenic, Recreational, Geologically Unique, and important Fish habitat and is used recreationally by the nearby residents and visitors. Drinking water contamination coupled with contamination of recreational waters will result in significant health risks to the nearby residents, the recreational public, and wildlife (including but not limited to plants, birds, mammals, and aquatic life).

It is required that all of the expected wastes' data be provided for review and inclusion within the EA.

### Comment 002

§1940.309(d) requires the prospective applicant to ensure that all required materials are current, sufficiently detailed and complete, and are submitted directly to the FSA Office processing the application. The EA is not complete by its own content parameters detailed in §1940.309(a) requiring specific data. The EA is not sufficiently detailed, current, or complete and therefore a viable review or assessment of the impact to the community or its residents cannot be completed. Without all of the information it is not possible to determine the full impact to the community and its citizens. Provision of sufficient credible data for review and comment by the public is therefore requested.

### Comment 003

§1940.309(f) requires the prospective applicant to fully cooperate in holding public meetings. It is requested that the reason for excluding this requirement from the EA process be fully explained. The significance of this facility within the community cannot be downplayed by the EA determination that there is no significant impact. The statement within the EA that public hearings are not required is simply the opinion of the applicant and does not provide justice for the local citizens. The EA is misleading with reporting of the proposed project being situated in an area with other similar projects and that no opposition was present. Nearby residents and landowners do matter and with an industrial complex being proposed which will significantly change and/or degrade their quality of life, pose significant health risks, cost them in property value loss, and take away their ability to utilize their outdoor space it is not insignificant in scope or impact. A public meeting must be held and all parties associated with the proposed project should face the public and fully explain their actions. A public hearing is therefore demanded to be held prior to any approvals being issued by any agency.

## **The Proposed Action is Likely to have Significant Impacts on the Environment thus warranting an EIS (Comments 004 – 010)**

### Comment 004

§1940.314(a) describes the criteria for the determination of a significant environmental impact based upon the human environment. CEQ regulation 40 CFR 1508.27 as referenced in §1508.27(a) states that the significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short - and long-term

effects are relevant. Based upon this criteria the “locale” is extremely important and the EA is very vague and to a point misleading about the “locale.” Known “locale” facts do not agree with the information provided in the EA. Concurrently the short and long-term effects are relevant and must be fully disclosed. It is requested that the “locale” be clearly defined and both the short and long-term effects be fully disclosed including the methodology, data, and mechanisms utilized in their determination so that the “significance” of the proposed actions may be fully evaluated and a full EIS performed.

### Comment 005

CEQ regulation 40 CFR 1508.27 as referenced states in §1508.27(b) (2) that the degree to which the proposed action affects public health or safety must be considered for the determination of the intensity or severity of the impact. It is requested that the determination, methodology used, and all associated data be provided for review. The current EA does not contain relevant information for this criteria. The proposed action will significantly degrade public health and safety. Public health is inherently tied to the quality of the water used by residents and the quality of the air they breathe. Both will be irreversibly degraded and will result in significant health impacts. In calling for a nationwide moratorium on CAFOs, the American Public Health Association cited more than 40 scientific reports indicating health concerns related to CAFOs.

The citations include research from such prestigious institutions as the University of North Carolina Medical School, the University of Iowa Medical School, and the Johns Hopkins School of Public Health. In testifying before a U.S. congressional committee, the Director of the Johns Hopkins School of Public Health cited scientific evidence concerning the contamination of air, water, soil, and foods with toxic chemicals, infectious diseases, antibiotic resistant bacteria, and E. coli 0157:H7. A prestigious commission funded by the Pew Charitable Trust concluded in their 2008 report, “The current industrial farm animal production system often poses unacceptable risks to public health, the environment and the welfare of the animals... the negative effects of the system are too great and the scientific evidence is too strong to ignore.

### Comment 006

CEQ regulation 40 CFR 1508.27 as referenced states in §1508.27(b)(3) that the following should be considered in evaluating intensity: Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas must be considered for the determination of the intensity or severity of the impact. Within the EA there is no mention of the Piney Fork of the Strawberry River, its tributaries or the - Strawberry River System. The Strawberry River and its spring-fed tributaries (Piney Fork of the Strawberry River is in fact a “fork” of the river and not a separate waterway) is listed by the National Park Service on the National Rivers Inventory as:

- It is within the range of the Gray and Indiana Bats, and the migration route of the Arctic Peregrine Falcon and Eskimo Curlew, federally listed endangered species. The Strawberry River drains 2,051 square miles of the Salem Plateau province of the Ozarks. The geology of this area results in “stair steps” which create falls when grouped together. It has Class AA water quality to Cooper Creek and Class A water quality to the Black River. It descends at a rate of 14 feet per mile, and supports a smallmouth bass fishery above Cooper Creek and a warm-water fishery below. The upper reaches afford fine canoeing opportunities. It is an excellent example of the transition from mountain terrain to delta land. A State Wildlife Management Area exists near the confluence with Black River. The riparian buffer consists of 33.8% agricultural uses, 24% mixed forest, 3.6% deciduous forest and .2% barren. The Strawberry River is a popular recreation stream for residents of the northeast portion of the state. The counties within the listed area listed are IZARD, SHARP, and LAWRENCE. The Outstanding Remarkable Values (OSVs) listed for the waterway are S, R, G, and F.
  - Scenery (S): The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values,

- additional factors -- such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed -- may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.
- 2. Recreation (R): Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, and photography, hiking, fishing and boating. °Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison. The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.
  - 3. Geology (G): The river, or the area within the river corridor, contains one or more example of a geologic feature, process or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).
  - 4. Fish (F): Fish values may be judged on the relative merits of either fish populations, habitat, or a combination of these river-related conditions. °Populations: The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable."

And listed by the USACE as:

- An Extraordinary Resource Waterbody
- A Natural and Scenic Waterway

Further the Strawberry River and its spring-fed tributaries has been placed in Arkansas' Natural and Scenic Rivers System. Along the banks of the Strawberry River the Nature Conservancy operates a 950 acre Preserve. The Strawberry River and its spring-fed tributaries are listed as one of the most aquatically rich systems in the State. The Strawberry River is one of the few free-flowing rivers remaining in the State of Arkansas and is home to more than half of the native fish species in the state. Best known to anglers for its smallmouth bass, the Strawberry River also harbors 107 other species of fish, as well as 39 freshwater mussel species. Sixteen of these creatures are not found anywhere outside the Ozark Mountains ecoregion. One fish - the Strawberry River darter (*Etheostoma fragi*) - lives only in this river system. The US Fish and Wildlife Services lists the Strawberry River as "Final Critical Habitat" for the Rabbitsfoot and Neosho Mucket. It is requested that a full disclosure of how the determination that the downstream waterways do not meet the criteria for scenic rivers and ecologically critical areas. It is further requested that this determination disclosure also contain the cumulative effects and how they are/were incorporated into the determinations.

The immediate downstream waterways are high-use recreational waterways with very high water quality. Any pollutants reaching these waterways would have significant negative impact. The drainage from the proposed facility flows immediately into a spring-fed tributary and wetland area to the Piney Fork of the Strawberry River approximately 0.64 .miles downstream from the proposed facility.

### Comment 007

CEQ regulation 1508.27 as referenced states in §1508.27(b)(4) that degree to which the effects on the quality of the human environment are likely to be highly controversial must be considered for the determination of the intensity or severity of the impact.

Based upon the information contained within the EA which contains false statements, inconsistencies, errors, and omissions any decision would be purely arbitrary. Virtually every study done on the subject over the past 20 years confirms the inevitable negative community and health impacts of CAFOs. It can reasonably be concluded that the effects of this facility on the quality of the human environment for the adjacent and surrounding citizens will be overwhelmingly negative.

The subject EA does not reflect this consideration and therefore is incomplete. It is therefore requested that this consideration be undertaken and all data, methodologies, and evaluator qualifications be provided for public review and comment.

### Comment 008

CEQ regulation 1508.27 as referenced states in §1508.27(b)(5) that the following should be considered in evaluating intensity: The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

As the EA identifies there are many possible effects on the human environment all of which are highly uncertain and have associated unknown risks. The EA at this time does not provide this consideration. It is requested that the analysis of the risks used in the EA be provided for reviewers and made a part of the EA.

### Comment 009

CEQ regulation 1508.27 as referenced states in §1508.27(b)(6) that the following should be considered in evaluating intensity: The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The precedent set by the approval and construction of this facility will be devastating to the health and welfare of the local population, the community, the environment, financial well-being of local residents, and the Piney Fork of the Strawberry River. The effects of a single facility is detrimental to the health, welfare, and life quality of the nearby residents and local community while a multiplication of these effects would be devastating to both the local and a larger population. It is requested that that a peer-review analysis for setting precedent regarding the influx of similar projects into the area which cumulatively will irreparably damage the human environment for the citizens of the community and have far reaching effects on downstream environments. It is reported in the local media that as many as 500+ of these facilities are planned for this area for just one of the integrators. The analysis must contain all known future plans for similar projects inclusive of projected dates, locations, and all associated risks. Combination of all-risks' cumulative effects must be incorporated into the analysis and provided for public review.

### Comment 010

CEQ regulation 1508.27 as referenced states in §1508.27(b)(7) that the following should be considered in evaluating intensity: Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Cumulative effects are highly significant in this instance and have been completely omitted by the EA. The dismissal of the cumulative effects is not warranted nor supported by any provided data or known circumstances. It is requested that the cumulative effects of this planned operation and all other current and projected planned operations be provided in detail inclusive of all data for public review.

### Comment 011

§1940.318(a) states that any Form RD 1940-20 submitted by the applicant which is found to be incomplete, inconsistent, not fully responsive to the items, not signed, and not dated will be returned to the applicant with a request for the necessary clarifications or additional data.

The Form 1940-20 is incomplete, inconsistent, not fully responsive to the items, and contains false information.

Since the Form 1940-20 has been used for the purpose of developing the EA and as the base document for the proposed project it is requested that the RD1940-20 be returned to the applicant with a request for all missing, incomplete, non-responsive and missing data inclusive of all data requests received from this comment document and all received during the comment period. It is further requested that all data utilized in the development of the Form 1940-20 be provided for public comment.

### Comment 012

§1940.318(a) states that actions having a variety of complex or interrelated impacts that are difficult for the preparer to assess then consideration should be given to holding a public meeting. Further it states that these meetings should not be assumed to being limited to projects for which EISs are being prepared.

As evidenced by the numerous errors, misinformation, and omissions within the Form 1940-20 and the EA itself the preparer and provider(s) of information have not seen fit to incorporate or consider the interrelated complexities of the impact or are not likely qualified to do so. It is hereby formally requested that a public meeting be held by the preparer in accordance with §1940.331(c).

### Comment 013

§1940.318(i) states that the preparer, upon completion of the EA, will attach all related materials and correspondence.

The attached data was limited to a copy of letters and photocopies of USGS Topographical maps and Google Maps which were of such poor quality that they cannot be utilized. Further there are a large number of data sets that are missing.

It is requested that all related materials and correspondence utilized in the preparation of the EA and this project inclusive of the initial NOI period (i.e. the reported NRI, construction permits, Waste Water Permits, CNMP, communications with the USFWS, etc.) including all data utilized for determinations and conclusions be provided for public comment.

### Comment 014

§1940.318(i) further states that the preparer make a determination of the potential for significantly affecting the quality of the human environment or recommend to the approving official that the action does not have this potential.

The EA states that there is no potential for significantly affecting the quality of the human environment which is vehemently opposed as being incorrect as it is based upon the personal opinion of the applicant. Until credible data is provided including methodologies, processes, and qualifications of the preparer to make such determinations is provided and validated this declaration of “no potential for significantly affecting the quality of the human environment” is false. It is requested that all data, surveys, studies, and materials relative to this determination along with the qualifications of the individual making the determination be provided for public review and that the determination of no significant impact be vacated.

### Comment 015

§1940.330(a) discusses the monitoring staff for the post-approval monitoring to ensure that measures identified within the pre-approval process are effectively implemented.

It is requested that this staffing be identified including their location. A visit to the FSA Office to inquire about enforcement and monitoring the FSA stated that they do not monitor or enforce, the monitoring would be performed by the Company which in this case is OMP, LLC or PECO both of which are listed. If this is indeed correct please explain when this paragraph was changed and provide the monitoring staff identification and procedures for OMP, LLC and PECO.

### Comment 016

§1940.331(a) states that the objectives of the public involvement is that interested citizens can readily obtain knowledge of the environmental review status, have the opportunity to input into this review before decisions are made, and have access to the environmental documents supporting FSA decisions.

It is requested that all environmental documents and data associated with the EA, the review process, and any decision making be provided to the public for review. Secondly the review process should be re-started upon availability of such information. The current EA and its attachments are incomplete, inaccurate, and contains a large number of false statements. What was received via email and postal service was incomplete and does not meet the minimum requirements set for by 1940 Subpart G. The comment due date of March 31, 2016 is therefore considered as invalid and must be re-started in the interest of public health, public safety, and due process.

### Comment 017

§1940.331(c)(2) states that public information meetings held as part of an environmental assessment must be scheduled and announced with a minimum of seven (7) day notice.

Due to the extremely sensitive nature of the impacts from the project coupled with the overwhelming opposition from neighboring residents and businesses, it is requested that a public information meeting be held as part of the environmental assessment and be scheduled immediately upon availability of an accurate and complete EA and supporting documents for the proposed project. In addition, a public meeting was requested for this project in July of 2015 and is considered as an unsatisfied request to date.

### Comment 018

§1940.331(c)(2) states that FSA officials will promptly provide copies of environmental documents upon request.

All environmental documents are requested. Additionally, a FOIA will be issued for the information relative to this proposed project including the original 2015 documentation. It is hereby requested that all environmental documents be provided for all interested parties. Data provided thus far does not qualify as “environmental data.”

### Comment 019

Exhibit C of 1940-G 1(2)(a)(2) details the review of FEMA mapping for the floodplain determination. It is requested that the mapping utilized in the determination of a floodplain be provided for review.

A review of the referenced floodplain mapping referenced shows the property containing and adjoining a floodplain. Building footprints and placement on the property are not provided, so how does one know if the buildings proposed to be built are inside the floodplain? The vague mapping provided is misleading and does not indicate the area is without flood plain issues.

### Comment 020

Exhibit C of 1940-G 1(2)(a)(2) details the review of USFWS mapping for wetlands determination.

It is widely known that soil mapping is historically inaccurate and does not represent “all” wetland areas. It is recommended by the USDA that “onsite investigation is needed in some cases” which must be performed by a qualified individual utilizing the criteria set forth within the 1987 COE Wetlands Delineation Manual to insure smaller wetland areas are included within any Environmental Assessment. If a search of the USDA NRCS Wetland mapping does not indicate the existence of a wetland it does not mean an actual survey of the subject area has been conducted for determination. The USDA goes further to state that the soil surveys provided by the WSS (Web Soil Survey) can be used for “general” farm, local, and wider planning. The determination of a wetland area for evaluating impact from a CAFO is not listed and not recommended.

The following designated NWI wetland is located immediately downstream (less than 0.6 miles) of the proposed facility:

R2UBH :

R System RIVERINE: The Riverine System includes all wetlands and deep water habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Upland islands or Palustrine wetlands may occur in the channel, but they are not part of the Riverine System.

2 Subsystem LOWER PERENNIAL: This Subsystem is characterized by a low gradient and slow water velocity. There is no tidal influence, and some water flows throughout the year. The substrate consists mainly of sand and mud. The floodplain is well developed. Oxygen deficits may sometimes occur.

UB Class UNCONSOLIDATED BOTTOM: Includes all wetlands and deep-water habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

Subclass: Modifier(s):

H WATER REGIME Permanently Flooded: Water covers the land surface throughout the year in all years.

Further the adjacent spring-fed tributary of the Piney Fork of the Strawberry River contains all of the characteristics which qualifies an area as a jurisdictional wetland based on the following:

Soils – The subject area contains Hydrogen Sulfide as evidenced by field observations. Hydric soils exist. Hydric soils are soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. These conditions have been field verified.

Hydrology – The tributary is inundated with soil saturation at the surface for more than one week during the growing season. Aquatic invertebrate populations are present.

Vegetation – The subject area contains plants listed on the 2014 National Wetland Plant lists by the USACE.

It is requested that the preparer provide the information, surveyor qualifications, and all field notes utilized in the determination of no impacts to wetlands.

### Comment 021

Exhibit C of 1940-G 1(2)(b)(3)(a)(ii) details the required content of the published public notification. The notification did not identify the type(s) and amount of important land resources affected.

The preparer must provide the rationale for not publishing the type(s) and amount of important land resources affected and publish the rationale for public review and comment.

### Comment 022

Exhibit C of 1940-G 1(2)(b)(3)(a)(iv) states that all comments received must be considered and addressed.



It is requested that all comments received be considered, addressed and responded to on an individual comment basis to the commenter in writing. Further it is requested that all written comments and responses to comments be published for public review.

### Comment 023

Exhibit C of 1940-G 1(2)(b)(3)(c) states that written summaries of the steps taken and the reasons for the recommendations reached be included in the environmental assessment regarding mitigation measures.

Nothing which can lead to a conclusion of mitigation measures is provided within the EA. It is requested that these details be provided including all data, methodologies, and processes utilized in the determinations.

### Comment 024

Exhibit H of 1940-G III details the components of the site description. The EA does not include the following as required by this section:

- Accurate description of the surrounding land uses with directions and distances involved
- Unique and sensitive areas are not pointed out including residential locations, floodplains, recreational areas, wetlands, steep slopes, aquifer recharge areas, or endangered species habitats.
  - Residential locations in close proximity to the facility include residences located at the following distances from the proposed facility:
    - 0.09 miles
    - 0.21 miles
    - 0.44 miles
    - 0.45 miles
    - 0.47 miles
    - 0.53 miles
    - 0.65 miles
    - 0.72 miles
    - 0.75 miles
    - 0.80 miles
    - 0.83 miles
    - 0.87 miles
    - 0.92 miles
    - 0.94 miles
  - Flood plain is located along the south property line of the proposed site (all property drainage flows to this location)
  - The Piney Fork of the Strawberry River is a recreational waterway
  - The Piney Fork of the Strawberry River is a listed wetland (See comment V for description)
  - Steep slopes on the property
  - Aquifer recharge area
  - Species listed as threatened and endangered within the Strawberry River System include:
    - *E. spectable fragi* - Strawberry Darter (endemic to the Strawberry River System)
  - Species of Concern listed within IZARD County include:
    - *Alasmidonta marginata* (elktoe) – State Rank S3
    - *Caecidotea dimorpha* (an isopod) – State Rank S2
    - *Cyclonaias tuberculata* (purple wartyback) – State Rank S3
    - *Cyprogenia aberti* (western fanshell) – State Rank S2
    - *Daedalochila peregrina* (white lip-tooth) – State Rank SNR
    - *Epioblasma triquetra* (snuffbox) – State Rank S1 – Federal Status LE

- *Gastrocopta rogersensis* (a land snail) – State Rank S2
- *Heterosternuta ouachita* (Ouachita diving beetle) – State Rank S2
- *Heterosternuta phoebeae* (a predaceous diving beetle) – State Rank S2
- *Lampsilis siliquoidea* (fatmucket) – State Rank S3
- *Lasmigona costata* (flutedshell) – State Rank S3
- *Ophiogomphus westfalli* (Westfall's snaketail) – State Rank S1S2
- *Orconectes neglectus chaenodactylus* (gap ringed crayfish) – State Rank S4
- *Patera clenchi* (Calico Rock oval) – State Rank SNR
- *Ptychobranthus occidentalis* (Ouachita kidneyshell) – State Rank S3
- *Quadrula cylindrica cylindrica* (rabbitsfoot) – State Rank S2 – Federal Status LT
- *Stygobromus ozarkensis* (Ozark cave amphipod) – State Rank S2
- *Toxolasma lividum* (purple lilliput) – State Rank S2
- *Venustaconcha pleasii* (bleedingtooth mussel) – State Rank S3
- *Villosa iris* (rainbow) – State Rank S2S3
- *Villosa lienosa* (little spectaclecase) – State Rank S3
- *Ambystoma tigrinum tigrinum* (eastern tiger salamander) – State Rank S3
- *Cemophora coccinea copei* (northern scarletsnake) – State Rank S3
- *Cottus immaculatus* (knobfin sculpin) – State Rank S3
- *Crotaphytus collaris* (eastern collared lizard)
- *Cyprinella spiloptera* (spotfin shiner) – State Rank S1
- *Erimystax harryi* (Ozark chub) – State Rank S3S4
- *Etheostoma autumnale* (autumn darter) – State Rank S2
- *Etheostoma fragi* (Strawberry River darter) – State Rank S1
- *Eurycea spelaea* (grotto salamander) – State Rank S3
- *Geomys bursarius ozarkensis* (Ozark pocket gopher) – State Rank S1
- *Haliaeetus leucocephalus* (Bald Eagle) – State Rank S2B, S4N
- *Lampetra aepyptera* (least brook lamprey) – State Rank S2
- *Lethenteron appendix* (American brook lamprey) – State Rank S2
- *Lithobates sylvaticus* (wood frog) – State Rank S3
- *Myotis grisescens* (gray myotis) – State Rank S2S3 – Federal Status LE
- *Myotis sodalis* (Indiana bat) – State Rank S1 – Federal Status LE
- *Notropis ozarcanus* (Ozark shiner) – State Rank S2
- *Notropis sabiniae* (sabine shiner) – State Rank S2
- *Pantherophis emoryi* (Great Plains ratsnake) – State Rank S3
- *Plethodon angusticlavius* (Ozark zigzag salamander) – State Rank S3
- *Scaphiopus hurterii* (Hurter's spadefoot) – State Rank S2
- *Abutilon fruticosum* (Texas Indian-mallow) – State Rank S1
- *Acalypha deamii* (Deam's copperleaf) – State Rank S1
- *Argyrochosma dealbata* (powdery cloak fern) – State Rank S2
- *Aristida purpurea* var. *purpurea* (purple three-awn) – State Rank S1
- *Asplenium pinnatifidum* (lobed spleenwort) – State Rank S3
- *Brickellia grandiflora* (tassel-flower) – State Rank S2
- *Carex opaca* (opaque prairie sedge) – State Rank S2S3
- *Carex planostachys* (cedar sedge) – State Rank S1
- *Coreopsis grandiflora* var. *saxicola* (large-flower tickseed) – State Rank S3
- *Helianthus pauciflorus* ssp. *pauciflorus* (prairie sunflower) – State Rank S1
- *Mentzelia oligosperma* (stick-leaf) – State Rank S1

- *Mimulus floribundus* (yellow monkey-flower) – State Rank S2S3
- *Nemastylis geminiflora* (celestial-lily) – State Rank S3
- *Nemastylis nuttallii* (Nuttall's pleat-leaf) – State Rank S2
- *Pediomelum esculentum* (large Indian-breadroot) – S2
- *Penstemon cobaea* (showy beardtongue) – State Rank S3
- *Physaria filiformis* (Missouri bladderpod) – State Rank S1 – Federal Status LT
- *Polygala incarnata* (pink milkwort) – State Status S1S2
- *Sida elliotii* (Elliott's sida) – State Rank S2S3
- *Spiranthes lucida* (shining ladies'-tresses) – State Rank S2
- *Stachys iltisii* (Ouachita hedge-nettle) – State Rank S3
- *Stylophorum diphyllum* (celandine-poppy) – State Rank S3
- *Symphotrichum sericeum* (silvery aster) – State Rank S2

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment. The absence of this critical information demonstrates the EA bias towards approval of the project and the finding of no significant impact is an arbitrary finding based on nothing more than personal opinion and speculation.

### Comment 025

Exhibit H of 1940-G III details the resolution and the types of project area maps.

The EA does not include the following as required by this section:

- Floodplain maps
- Site photos
- High quality graphics

It is requested that the project area maps be provided in the quality and content as required. Subsequently the EA must be updated and re-distributed for public review and comment.

### Comment 027

Exhibit H of 1940-G IV(1) details the components of the environmental impact to air quality. The EA does not include the following as required by this section:

- All known affects to air quality
- Amounts and types of emissions to be produced
- Report on the existing air quality in the area
- The topographical and meteorological conditions which will hinder or affect the dispersal of air emission which exist in the area due to the down-gradient wetland and waterways

The required content of the environmental impact to air quality is not incorporated into the EA therefore a significant inadequacy exists. It is requested that these factors be fully quantified, evaluated and incorporated into the EA and re-distributed for public review and comment. Current information within the EA relative to air quality is a combination of personal opinions and speculation. All data provided must be verified by a credible source and not contain supposition or observations by unqualified personnel.

### Comment 028

Exhibit H of 1940-G IV(2) details the components of the environmental impact to water quality.

The EA does not include the following as required by this section:

- The source and available supply of raw water

- The amounts and types of effluents
- The existing water quality of surface and sub-surface water to be affected
- A description of the wastewater system(s) to be used
- A credible survey, calculation, or model which will show the impact of the project on the existing water supply
- An evaluation of the potential for the project to exceed the safe pumping rate for the aquifer to the extent that it would (1) adversely affect the pumping capability of present users, and (2) substantially increase surface subsidence risks

The adverse effect of poultry production on wells is widely documented as far back as 1990 (Steele and McCalister [1990] cited figures that revealed a greater amount of nitrogen from poultry production than other sources) regarding nitrogen contamination of water wells within the Strawberry River Watershed. Northwest Arkansas suffers from groundwater contamination as a direct result of poultry production which is well documented.

Currently the local water supply which is a combination of individual wells and springs is of high quality. The karst topography of the area guarantees that these wells will be impacted by surface activities. Current surface activities are a mix of:

- No activities (forested or dormant land)
- Low-density cattle farming
- Sustainable and organic farming
- Residential
- Transportation (unpaved county roads)

Should an industrial-scale poultry CAFO be permitted to operate in this area groundwater (drinking water) will be at a high risk of becoming unusable due to dangerous contaminants with no alternative water source available. Additionally, water used for livestock will be adversely affected as well. The karst topography of the area is identified within the USFWS map shown below. The red circle notes the location of the subject poultry CAFO.

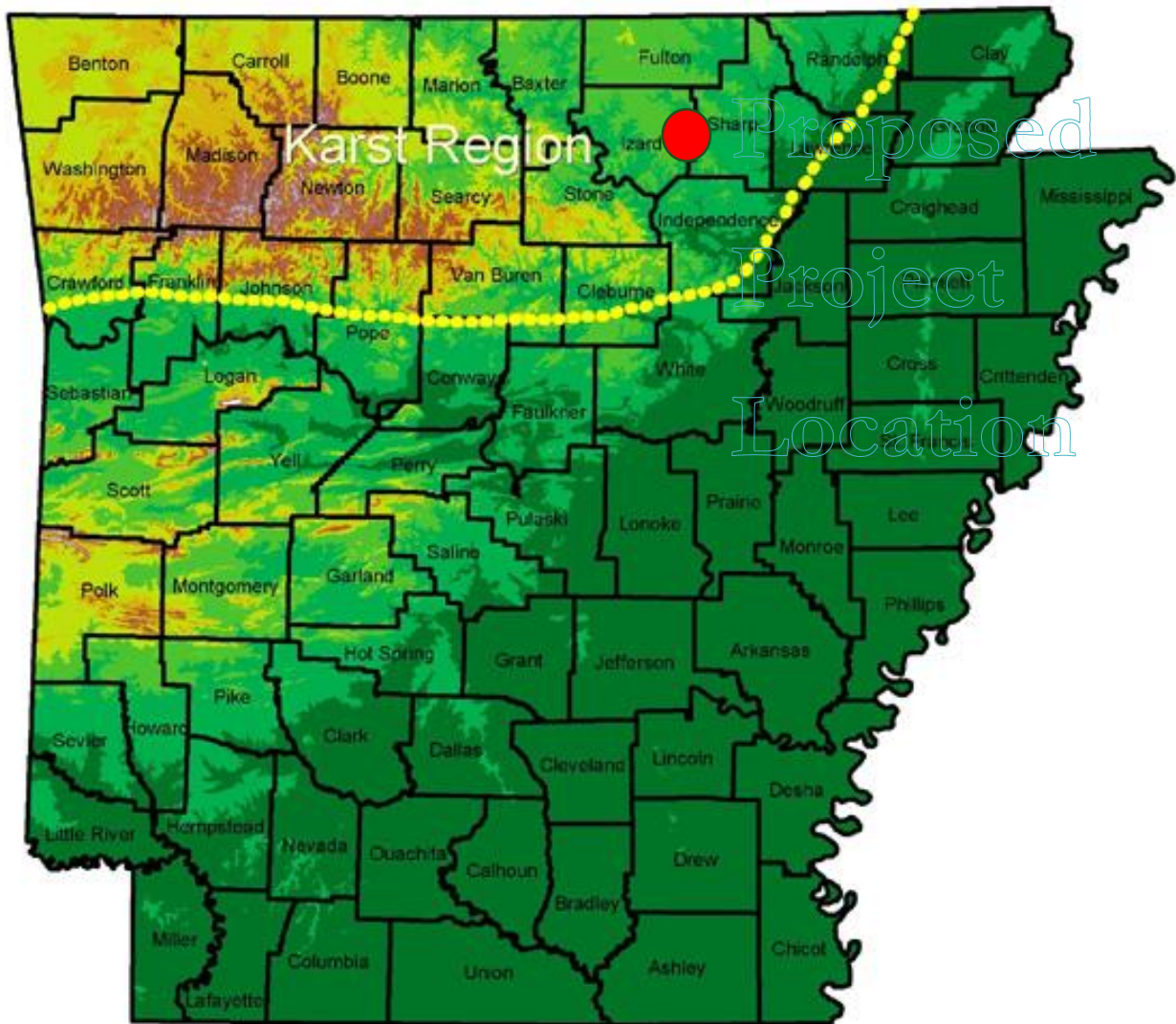


FIGURE 0-1 - KARST REGION OF ARKANSAS

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment. A detailed outline of how wells and springs will be tested and what program is in place to replace drinking water and animal water resources. There shall be a program for compensation provided for the loss of drinking water for local residents. Additionally, any composting, dead bird composting or storage, and litter storage should be fully disclosed with regards to impacts to the water quality.

**Comment 029**

Exhibit H of 1940-G IV(3) details the Waste Management description requirements.

The EA does not include the following as required by this section:

- Known indirect effects which will necessitate the disposal of solid wastes
- Details of the kinds and quantities of solid wastes involved
- Disposal techniques in particularly in relationship to air and water quality

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 030

Exhibit H of 1940-G IV(4) details the Land Use description requirements.

The EA does not include the following as required by this section:

- Details regarding the HEL determinations
- Full details of how the project will affect surrounding land uses and those within the project's area of environmental impact
- An accurate depiction of surrounding land uses

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 031

Exhibit H of 1940-G IV(7) details the Human Population description requirements. Indicate the number of people to be relocated and arrangements being made for this relocation. Discuss how impacts resulting from the project such as changes in land use, transportation changes, air emissions, noise, odor, etc. will affect nearby residents and users of the project area and surrounding areas. Discuss whether the proposal will accommodate any population increases and, if so, describe the potential impacts of these increases on the area's public and community services such as schools, health care, social services, and fire protection. Cite contacts with appropriate experts.

The EA does not include the following as required by this section:

- A full and credible description of how the project's impacts will effect nearby residents and users of the area including noise, odor, transportation changes, air emissions, etc. In addition all data, models, surveys, and local interviews utilized in the determination of the effects – NOTE: personal preferences or opinions are not acceptable as contained in the current EA
- No appropriate experts or data were cited

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 032

Exhibit H of 1940-G IV(9) details the Energy Impact description requirements. Indicate the project's and its primary beneficiaries' effects on the area's existing energy supplies. This discussion should address not only the direct energy utilization, but any major indirect utilization resulting from the siting of the project. Describe the availability of these supplies to the project site. Discuss whether the project will utilize a large share of the remaining capacity of an energy supply or will create a shortage of such supply. Discuss any steps to be taken to conserve energy.

The EA does not include the following as required by this section:

- The projects energy utilization
- The capacity of the existing electrical system
- The impacts to down current users
- Potential for low-voltage to surrounding homes and businesses

It is requested that these factors be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 033

Exhibit H of 1940-G XV details the Reaction to the Project description requirements. The EA does not include the following as required by this section:

- A complete discussion of negative comments or public views raised about the project and the consideration given to these comments

No comments from the public are incorporated within the EA; however, the FSA was provided with a large number of comments for this project in July of 2015.

It is requested that this obvious dismissal of public views and concerns be fully investigated and incorporated into the EA and re-distributed for public review and comment. There is no credible reason for the FSA's dismissal of previous comments as all rights were preserved through the on-time submission of comments for this project in 2015.

### Comment 034

Exhibit H of 1940-G XVI details the Cumulative Impacts description requirements. The EA does not include the following as required by this section:

- A discussion of any mention of cumulative impacts although it does cite numerous other similar operations

No cumulative impacts are listed within the EA. It is requested that this factor be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 035

Exhibit H of 1940-G XVII details the Adverse Impact description requirements. The EA does not include the following as required by this section:

- A discussion of the adverse impacts is not provided within the EA

It is requested that this factor be fully evaluated and incorporated into the EA and re-distributed for public review and comment.

### Comment 036

The Environmental Assessment in 1.0 identifies Jerry Tracy as a current "producer" which is incorrect. There are no records available to substantiate this claim. It is therefore requested that documentation be provided which verifies the applicant as being a producer.

### Comment 037

The project states that there are to be six (6) each 43 ft. by 600 ft. broiler houses in 1.1. It goes on to state that there are to be six (6) each 43 ft. by 500 ft. broiler houses.

There is a big difference between 500 ft. and 600 ft. with respect to the house sizes. It is impossible to evaluate the extent of the impacts based upon conflicting information. This is not accepted as a "typo" as this is approximately the third version of the EA we have received with "typo" corrections. One or both of the statements are false and misleading which has caused undue confusion on the part of the reviewers.

It is requested that this EA be rejected due to the high number of false statements and inaccuracies which do not represent the project facts.

### Comment 038

The EA states in 1.1 that the broiler farm is to be 120 acres which encompasses the bordering wetland area, spring-fed tributary to the Piney Fork of the Strawberry River and puts adjoining and nearby residences at greater risk.

This is unclear and misrepresents the project. It is requested that the description follow requirements and be fully provided. The EA and subsequent FONSI are not acceptable and must be rejected.

### Comment 039

The EA states in 1.1 that the broiler houses will be built to the ‘latest premium specifications’ for OMP. As these are incorporated by reference they must be provided by the FSA and applicant for review by the public. It is requested that these ‘specifications’ be provided for review and comment. The EA and FONSI are incomplete due to absence of referenced materials and are should not be considered as valid.

### Comment 040

The EA in 1.1 states that the ‘farm’ will have a total capacity of 182,400 birds per batch. There is no quantification of the number of batches per year. This lack of information makes it impossible to assess the full impact of the facility on the local residents, public health, the environment, and quality of life.

It is requested that the total annual throughput for the facility be fully disclosed so calculations of wastes, emissions, and other impacts can be accurately quantified.

### Comment 041

The EA in 1.2 states that ‘OMP has a need for broilers that will be produced at this facility’ which is a statement that the project is already approved as it seems broilers will be produced at this facility. This is most disconcerting that the FSA would make the statement that the project is presumptuous as the comments have not been provided as of the date of the EA.

It is firmly requested that a full explanation regarding the wording reflecting pre-approval be provided and terming the quote as another ‘typo’ is completely unacceptable.

### Comment 042

The EA in 1.2 states that the project will allow Mr. Tracy to ‘provide standard of living acceptable for the area.’

Please provide the ‘acceptable’ standard of living for the area. Additionally, provide how this standard was developed. Section 3.6.2 states that ‘the majority of the residents in the area are low income.’ Is this how the ‘acceptable for the area’ standard of living was determined and how is that consistent?

By approving this project the FSA, First Service Bank, and all individuals associated with the project agree that it is acceptable to degrade the local resident’s standard of living in order to accommodate the applicant and OMP of Batesville Arkansas. This is unacceptable and qualifies as social injustice on the part of the FSA and First Service Bank.

It is requested that the rationale for degrading all of the neighboring residents standard of living, lowering of neighboring businesses income, financially decimating surrounding families, and risking the health of the residents for the sake of ‘making it economically feasible for OMP to provide birds’ be provided in writing.

The purpose and need stated within the EA is too narrow.



### Comment 043

The EA in 1.2 states that Mr. Tracy will be providing an “agriculture service.” It is requested that a clear definition be provided for an “agriculture service” and an explanation of how “agriculture service” is synonymous with “farming operation.” Since this is an “agricultural service” please provide how non-farm entities are entitled to FSA loan guarantees. Agricultural services are provided by the farm supply stores, farm equipment dealers, and feed suppliers.

### Comment 044

The EA in 2.0 states that alternative projects were considered but determined not to be feasible due to his proximity to the OMP complex in Batesville. Please provide the alternatives considered and the determination of feasibility mechanisms. It is not understood and an explanation is needed of how the proximity to the OMP complex would prohibit alternatives. Further it is requested that as stated the proximity to the OMP complex is a limiting factor for alternatives, that a list of alternative farming practices or projects which meets the FSA’s criteria for a loan guarantee, which are considered at risk by the OMP, LLC complex be provided. This is most troublesome that a facility located in Batesville, AR could limit farming alternatives. This statement must be backed with some definitive studies. Such a limiting factor should be disseminated to all farmers registered with the FSA so they will be apprised of such.

There is a failure to present the baseline from which effects of the alternatives can be measured.

### Comment 045

The EA in 2.0 states that the project is in an area occupied by numerous other broiler farms. It is requested that “area” be defined as it is not known where these “other” producers are located. Further it is requested that these other producer locations be identified. Only two other producers are operating in the area and they are not associated with OMP, LLC. Therefore this statement is considered false.

### Comment 046

The EA in 2.0 states that this project will “make it more economically feasible for OMP to provide birds.” It is requested that an explanation of how the FSA loan guarantee program (taxpayer funds) is set up to improve the economics of OMP where the producer is only “more likely” to retain his contract. The sentence indicates that this is a clear preference to OMP for the purpose of the loan guarantee.

### Comment 047

The EA in 2.0 states that based on the environmental review it was determined that the impact of the proposal did not justify the selection of “no Project”. Then the section states that the community could potentially lose the potential financial benefits of the project.

The no action alternative does not provide a clear basis for determining the differences between taking the action and not taking the action as it relates to environmental impacts as only the potential financial aspects are named as a concern.

This statement requires a very detailed and substantiated explanation. From the review of the EA there are so many false and misleading statements, personal opinions, and baseless statements that a finding such as this is totally unacceptable. It is requested that a full explanation of how this determination was reached along with all supporting data, methodology, and qualifications for the determining individual be provided.

To accept this statement based upon the content of the EA is both unjustifiable and unacceptable. A highly detailed response is required.

### Comment 048

The EA in 2.0 states that if the project is not completed then the community could “potentially” lose “potential” financial benefits citing “increased local taxes.” It is requested that the benefit of increased local taxes be clearly defined. It appears that an increase of the tax burden on already “low income” as stated in this EA, is in any way a benefit. If the meaning was to state there would be increased tax revenue for the county based on the value of the property post project completion then it is requested that the cost-benefit analysis be provided for review. By stating such there should be a cost-benefit analysis available along with the probability factor in order to reach such a conclusion. Other similar projects must have data by now so this should be readily available from both the bank and OMP, LLC.

In addition, it is requested that a full disclosure of the “potential” financial gains for the community be qualified and quantified absent of speculation or opinion. Further, the FSA must provide the “potential and real” financial costs to the community and its residents.

### Comment 049

The EA in 2.0 states that the applicant wishes to live in a rural area while maintaining his current standard of living. Please provide the current standard of living for the applicant’s current location and how it aligns to the “low income” standard of living of the project area as stated in the EA. The adjacent and nearby neighbors also want to maintain their current standard of living which is clean air, clean water, their outdoor spaces and all of the other “living standards” they now have.

**What right does any individual, organization, or group have to take away others’ standard of living in order to maintain or enhance theirs? What right does the bank and OMP, LLC have to take from citizens their standard of living in order to “make it more economically feasible to provide birds”? What right does the FSA have to promote and support such actions with tax dollars from the very same people whose rights are being trampled on? Taking away from others is never a right of any individual, organization, or company. Every American has the right to life, liberty, and the pursuit of happiness, all of which are in jeopardy from this proposed project.**

### Comment 050

The EA in 3.1 proposes that the broiler houses are to be built 43 ft. by 6,000 feet in length. Additionally, the houses will be built to PECO plans and specifications. This is another example of the inconsistencies within the EA and its preparation. Based upon the inaccuracy of information, the inconsistencies, and the absence of required information it can reasonably be expected that the project, its operation, and administration will be essentially the same.

As PECO is listed as another poultry operation and their plans and specifications for broiler houses are incorporated by reference. It is required that the PECO plans and specifications be provided in addition to those of OMP. Since both poultry integrators are listed it is required that a full disclosure be provided for review by the public. As this seems to be constructed either to mislead or misrepresent the true intent of the project all aspects are now called into question.

As PECO is now named in the EA and FONSI they are now subject to any actions associated with this project relative to issuing of public comments, protests, and any actions taken as result of preserved rights.

The statement in 2.1 conflicts with the statement in 2.0 that each integrator has a specific set of plans and specs where in 2.1 it states that the facilities built to PECO plans and specs will meet the latest specs for a premium

OMP facility. This reflects that a standard PECO plan and spec is equal to a premium plan and spec for OMP. So the statement that alternative plans are not feasible is either in error or a false statement.

Again, so many conflicts, confusing statements, false statements, and such makes it difficult to see what is fact and what is fiction. Please provide facts to support all of the above inconsistencies.

### Comment 051

The EA in 2.2.1 states that the County would lose “potential” financial benefits.

It is requested that this cost-benefit analysis be provided for review. Further it is requested that these “potential” financial benefits be quantified. The “potential” financial benefits must be accompanied by the “potential” financial costs to the county.

### Comment 052

The EA in 2.2.1 states that by not constructing the CAFO that income capacity of the 120 acre tract is limited.

It is requested that an explanation of how not constructing the CAFO would limit the “tract’s” income capacity from alternative practices. If this is in fact true what factors contribute to the loss of capacity? Are these factors limiting adjacent and nearby “tracts”? Please provide a full disclosure of these findings and from what data source and/or analysis they were obtained. If “tracts” are limited by not constructing CAFOs then this should be published by the FSA and disseminated to all land owners throughout the country and not just Arkansas. Further it is noted that the project now is proposed for a “tract” and not a farm which is correct as there is no existing farm and the subject property is correctly referenced as a tract.

Additionally, please fully explain with supporting data how not having a poultry CAFO limits income. This is a clear preference to and demonstration of support of the integrators over the health and well-being of the local community.

### Comment 053

The EA in 2.2.2 states that the selected site is currently in mixed pasture and cropland while the remainder of the tract is in pasture and clear-cut land. Neither of these statements is true demonstrating the lack of effort provided in the development of the EA. The section goes on to declare that any other location chosen for construction would require additional clearing.

It is requested that it be fully explained how pasture and clear-cut land requires additional clearing. Also, the cropland features of the tract require explaining with details on the crop, production rates, etc. for the past three (3) years.

### Comment 054

In the previous EA provided for this project in July 2015 it stated there would be an employment potential for the county arising from the project. The project has not changed in size so please fully explain why there will be no employment potential.

### Comment 055

This comment is of very high significance as it points out the incorporation of the 2015 EA by reference.

The EA in 2.2.2 states that “Again, by selecting the site, producers have proposed they will be limiting the potential environmental impact to their property and to surrounding property owners” which indicates that this is a repeated statement. Since this statement has not been made to this point in the EA it can be safely presumed that the reference is to the July 2015 EA in which it states in Section 2.2.2 it states “By selecting the site producer has

proposed we will be limiting the potential environmental impact to surrounding property owners” therefore it is required that the previous EA of July 2015 be incorporated within this FONSI and all comments associated with the 2015 filing be attached.

### Comment 056

The EA in 2.2.2 states that the lender is responsible for ensuring the location of the construction. The location of the structures has not been accurately identified in any map or drawing. There are some vague maps with lines and crude drawings but nothing that can be mistaken for an actual diagram.

It is requested that accurate diagrams of the project be provided for review and comment. It is further requested that the lender be fully identified as they are responsible for ensuring the construction is located as proposed. The agency did not evaluate any specific siting and design issues of the proposed project and how they will impact the environment.

### Comment 057

The EA in 2.2.2 states that the location selected will limit potential environmental impact to the surrounding property owners’ homes. This is completely false. The movement of the facility to any location on the project tract will not provide any appreciable improvement with respect to the environmental impact to the surrounding property owners. As stated there are environmental concerns for surrounding property owners. It is requested that these concerns be identified, quantified, and provided with probabilities for impact. Further it is requested that a complete risk analysis be performed in conjunction with adjacent and nearby property owners to determine the risks and probabilities.

The statement provided in the EA is based upon a personal opinion with no substantiating facts. It is requested that the data utilized in the determination be provided and fully explained as to the rationale for such a decision.

### Comment 058

The statement in 2.2.2 declares that there are environmental impacts to be considered and are such that limiting the impacts is necessary. Throughout the EA and in the 1940-20 there are a number of statements which conflict with this which claim there is no environmental impact.

It is required that the full detailed listing of environmental impacts be provided including data to substantiate the listing. This information should be provided to the public for review and comment.

### Comment 059

The EA in 2.2.3 states that there is an “Alternative B” location yet is not specified in either a map or description. The EA further states that Alternative Site B presents more environmental concerns than Alternative Site A.

In order to fully evaluate this statement and the environmental concerns it is vitally important that Alternative Site B be identified. It is requested that Alternative Site B be fully identified in description and on a map to scale.

### Comment 060

The EA in 2.2.3 states that the odors and emissions from the poultry houses will be buffered by surrounding timber.

Based on the statement that there are expectations of odor coming from the poultry houses it is requested that this “odor” be both quantified and defined. Odors are a result of an airborne particle or gas therefore the makeup of the “odor” is requested. This would include all components of the “odor.”

### Comment 061

The statement in the EA in 2.2.3 that the timber has a buffering capacity must be validated by data, a recognized study or some methodology through which the capacity can be both validated and quantified.

It is requested that this data be provided for review with the appropriate dispersion model and particulate deposition model. Please provide the models used and resultant data. Further it is requested that a species inventory of the “surrounding trees” including their “buffering” capacities be provided.

### Comment 062

The subject proposed project is located less than 0.36 miles west of Sharp County and all drainage flows through Sharp County and into the Piney Fork of the Strawberry River. It is requested that the rationale for omitting Sharp County species from the listing be provided. Additionally, there are a number of other species identified by the State of Arkansas as being “species of concern” and these must be considered as well. Omission of these other species and the Sharp County listed species is another example of the “omissions” within the EA.

### Comment 063

The EA in 3.1.1 define the vegetation and wildlife as five species known to occur in the region. This is a limited response to a much larger list.

The following list is for IZARD County and not the region. It is requested that this list be incorporated into the EA and evaluated as such. The downplaying or dismissal of the number of species within the project area is unacceptable.

- *Alasmidonta marginata* (elktoe) – State Rank S3
- *Caecidotea dimorpha* (an isopod) – State Rank S2
- *Cyclonaias tuberculata* (purple wartyback) – State Rank S3
- *Cyprogenia aberti* (western fanshell) – State Rank S2
- *Daedalochila peregrina* (white liptooth) – State Rank SNR
- *Epioblasma triquetra* (snuffbox) – State Rank S1 – Federal Status LE
- *Gastrocopta rogersensis* (a land snail) – State Rank S2
- *Heterosternuta ouachita* (Ouachita diving beetle) – State Rank S2
- *Heterosternuta phoebeae* (a predaceous diving beetle) – State Rank S2
- *Lampsilis siliquoidea* (fatmucket) – State Rank S3
- *Lasmigona costata* (flutedshell) – State Rank S3
- *Ophiogomphus westfalli* (Westfall's snaketail) – State Rank S1S2
- *Orconectes neglectus chaenodactylus* (gap ringed crayfish) – State Rank S4
- *Patera clenchi* (Calico Rock oval) – State Rank SNR
- *Ptychobranthus occidentalis* (Ouachita kidneyshell) – State Rank S3
- *Quadrula cylindrica cylindrica* (rabbitsfoot) – State Rank S2 – Federal Status LT
- *Stygobromus ozarkensis* (Ozark cave amphipod) – State Rank S2
- *Toxolasma lividum* (purple lilliput) – State Rank S2
- *Venustaconcha pleasii* (bleedingtooth mussel) – State Rank S3
- *Villosa iris* (rainbow) – State Rank S2S3
- *Villosa lienosa* (little spectaclecase) – State Rank S3
- *Ambystoma tigrinum tigrinum* (eastern tiger salamander) – State Rank S3
- *Cemophora coccinea copei* (northern scarletsnake) – State Rank S3
- *Cottus immaculatus* (knobfin sculpin) – State Rank S3
- *Crotaphytus collaris* (eastern collared lizard)

- *Cyprinella spiloptera* (spotfin shiner) – State Rank S1
- *Erimystax harrisi* (Ozark chub) – State Rank S3S4
- *Etheostoma autumnale* (autumn darter) – State Rank S2
- *Etheostoma fragi* (Strawberry River darter) – State Rank S1
- *Eurycea spelaea* (grotto salamander) – State Rank S3
- *Geomys bursarius ozarkensis* (Ozark pocket gopher) – State Rank S1
- *Haliaeetus leucocephalus* (Bald Eagle) – State Rank S2B, S4N
- *Lampetra aepyptera* (least brook lamprey) – State Rank S2
- *Lethenteron appendix* (American brook lamprey) – State Rank S2
- *Lithobates sylvaticus* (wood frog) – State Rank S3
- *Myotis grisescens* (gray myotis) – State Rank S2S3 – Federal Status LE
- *Myotis sodalis* (Indiana bat) – State Rank S1 – Federal Status LE
- *Notropis ozarcanus* (Ozark shiner) – State Rank S2
- *Notropis sabiniae* (sabine shiner) – State Rank S2
- *Pantherophis emoryi* (Great Plains ratsnake) – State Rank S3
- *Plethodon angusticlavius* (Ozark zigzag salamander) – State Rank S3
- *Scaphiopus hurterii* (Hurter's spadefoot) – State Rank S2
- *Abutilon fruticosum* (Texas Indian-mallow) – State Rank S1
- *Acalypha deamii* (Deam's copperleaf) – State Rank S1
- *Argyrochosma dealbata* (powdery cloak fern) – State Rank S2
- *Aristida purpurea* var. *purpurea* (purple three-awn) – State Rank S1
- *Asplenium pinnatifidum* (lobed spleenwort) – State Rank S3
- *Brickellia grandiflora* (tassel-flower) – State Rank S2
- *Carex opaca* (opaque prairie sedge) – State Rank S2S3
- *Carex planostachys* (cedar sedge) – State Rank S1
- *Coreopsis grandiflora* var. *saxicola* (large-flower tickseed) – State Rank S3
- *Helianthus pauciflorus* ssp. *pauciflorus* (prairie sunflower) – State Rank S1
- *Mentzelia oligosperma* (stick-leaf) – State Rank S1
- *Mimulus floribundus* (yellow monkey-flower) – State Rank S2S3
- *Nemastylis geminiflora* (celestial-lily) – State Rank S3
- *Nemastylis nuttallii* (Nuttall's pleat-leaf) – State Rank S2
- *Pediomelum esculentum* (large Indian-breadroot) – S2
- *Penstemon cobaea* (showy beardtongue) – State Rank S3
- *Physaria filiformis* (Missouri bladderpod) – State Rank S1 – Federal Status LT
- *Polygala incarnata* (pink milkwort) – State Status S1S2
- *Sida elliotii* (Elliott's sida) – State Rank S2S3
- *Spiranthes lucida* (shining ladies'-tresses) – State Rank S2
- *Stachys iltisii* (Ouachita hedge-nettle) – State Rank S3
- *Stylophorum diphyllum* (celandine-poppy) – State Rank S3
- *Symphotrichum sericeum* (silvery aster) – State Rank S2

#### Comment 064

The EA in 3.2.2 states that the wetlands determination was made on a review of the Web Soil Survey. The reliance on the WSS as a sole source for hydric soils determination is not acceptable. An on-site survey should be undertaken by a certified surveyor to determine the location of the wetland.

If a search of the USDA NRCS Wetland mapping does not indicate the existence of a wetland it does not mean an actual survey of the subject area has been conducted for determination. The USDA goes further to state that the

soil surveys provided by the WSS (Web Soil Survey) can be used for “general” farm, local, and wider planning. The determination of a wetland area for evaluating impact from a CAFO is not listed and not recommended. It is recommended by the USDA that “onsite investigation is needed in some cases” which must be performed by a qualified individual utilizing the criteria set forth within the 1987 COE Wetlands Delineation Manual to insure smaller wetland areas are included within any Environmental Assessment.

#### Comment 065

Please provide an explanation of why §1940.304 (c) is not referenced in its entirety which reads “Additionally, FSA will not approve or assist developments (commercial, industrial, residential, farming, or community facilities) located above or below a wild, scenic, or recreational river area, or on any stream tributary thereto which will invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area”? It is requested that the purpose for not including recreational river tributaries were omitted. Additionally, since it is stated in 1.3 of the EA that the EA is in full compliance with all applicable regulations, please provide the survey of the scenic, recreational, and fish and wildlife values of the tributaries downstream of the proposed facility most notably the Piney Fork of the Strawberry River and the spring-fed tributary which borders the proposed project property. Further it is requested that details of the survey be provided for review. The Strawberry River (including the Piney Fork) is listed on the National Rivers Inventory as both scenic and recreational.

#### Comment 066

The EA in 3.2.2 indicates that there is a 151 acre tract for which the wetlands determination was made. The determination of another tract of land other than the project area is not applicable and must be fully explained. This reference of a different project area is indicative of a widespread problem with this EA in that it was provided a cursory development and does not reflect the facts regarding the proposed project.

#### Comment 067

The EA in 3.2.2 identifies the determination of the potential adverse impact to water quality. Therefore it is requested that the water quality impacts noted be fully explained including the probabilities, impact degradation factors, and a complete quantification of each potential degradation element.

#### Comment 068

The EA in 3.2.2 states that control of surface runoff will be controlled in accordance with the Arkansas Department of Environmental Quality (ADEQ) and the NPDES storm water permit. Please explain in detail the actions which will be physically taken by the ADEQ to control surface runoff. Additionally, please provide the NPDES permit requirements for this project. By stating that the surface runoff will be controlled in accordance with the NPDES permit it would require a review of the permit with respect to the construction activities and capabilities. Without all of the data for review it is not possible to determine whether the permit requirements can be met.

The current location of the proposed project has a low human disturbance score as documented by the National Fish Habitat Partnership. Any construction of the magnitude of this project will significantly raise that score which is indicative of adverse impacts to the spring-fed tributary and to the Piney Fork. Numerous other instances of siltation are documented throughout the region where construction has permanently altered the adjacent waterway and negatively impacted wildlife, habitat, and recreational use of the waterway. Construction of the proposed facility will pose a permanent and irreversible risk of siltation, water quality degradation, and adverse wildlife and habitat damage.

#### Comment 069

The EA in 3.2.2 states that water quality will be protected by the producer’s adherence to the Comprehensive Nutrient Management Plan (CNMP) for application of the litter. This is in direct conflict with the statements from

the producer. By this statement it is understood that there will be land application which may impact water quality. Further it is requested that the CNMP be provided for review to determine its efficacy in the protection of waters. Without reviewing the CNMP it is not possible to conclude that adherence to the plan is sufficient to adequately protect water quality.

### Comment 070

It is requested that the data used in the determination that the project is not located within a sole source aquifer be presented for review.

### Comment 071

The EA in 3.2.2 states no Scenic or Wild Rivers are in close proximity to the site. Please explain why recreational rivers and tributaries are not included in the list of affected environments. The Strawberry River and the Piney Fork of the Strawberry River, which is in fact a “fork” of the river and not a separate waterway, is listed by the National Park Service on the National Rivers Inventory as:

- It is within the range of the Gray and Indiana Bats, and the migration route of the Arctic Peregrine Falcon and Eskimo Curlew, federally listed endangered species. The Strawberry River drains 2,051 square miles of the Salem Plateau province of the Ozarks. The geology of this area results in “stair steps” which create falls when grouped together. It has Class AA water quality to Cooper Creek and Class A water quality to the Black River. It descends at a rate of 14 feet per mile, and supports a smallmouth bass fishery above Cooper Creek and a warm-water fishery below. The upper reaches afford fine canoeing opportunities. It is an excellent example of the transition from mountain terrain to delta land. A State Wildlife Management Area exists near the confluence with Black River. The riparian buffer consists of 33.8% agricultural uses, 24% mixed forest, 3.6% deciduous forest and .2% barren. The Strawberry River is a popular recreation stream for residents of the northeast portion of the state. The counties within the listed area listed are Izard, Sharp, and Lawrence. The Outstanding Remarkable Values (OSVs) listed for the waterway are S, R, G, and F.
  - Scenery (S): The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors -- such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed -- may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.
  - 2. Recreation (R): Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, and photography, hiking, fishing and boating. °Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison. The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.
  - 3. Geology (G): The river, or the area within the river corridor, contains one or more example of a geologic feature, process or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).
  - 4. Fish (F): Fish values may be judged on the relative merits of either fish populations, habitat, or a combination of these river-related conditions. °Populations: The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed (or candidate) threatened, endangered



or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable."

And listed by the USACE as:

- An Extraordinary Resource Waterbody
- A Natural and Scenic Waterway
- Ecologically Sensitive Waterbody

Further the Strawberry River and its spring-fed tributaries has been placed in Arkansas' Natural and Scenic Rivers System. Along the banks of the Strawberry River the Nature Conservancy operates a 950 acre Preserve. The Strawberry River and its spring-fed tributaries is listed as one of the most aquatically rich systems in the State. The Strawberry River is one of the few free-flowing rivers remaining in the State of Arkansas and is home to more than half of the native fish species in the state. Best known to anglers for its smallmouth bass, the Strawberry River also harbors 107 other species of fish, as well as 39 freshwater mussel species. Sixteen of these creatures are not found anywhere outside the Ozark Mountains ecoregion. One fish - the Strawberry River orangethroat darter (*Etheostoma fragi*) - lives only in this river system. The US Fish and Wildlife Services lists the Strawberry River as "Final Critical Habitat" for the Rabbitsfoot and Neosho Mucket. It is requested that a full disclosure of how the determination that the downstream waterways do not meet the criteria for scenic rivers and ecologically critical areas. It is further requested that this determination disclosure also contain the cumulative effects be incorporated into the determinations. The immediate downstream waterways are high-use recreational waterways with very high water quality. Any impacts reaching these waterways would have significant impact. The drainage from the proposed facility flows immediately into the Piney Fork of the Strawberry River approximately 0.64 .miles downstream from the proposed facility and will have an adverse effect on the water quality and wildlife associated with this most important scenic and important waterway.

### Comment 072

Please provide the executed NRCS-CPA-026E for review. Adjacent properties do contain HEL and it is interesting that this parcel does not. The determination process for HEL should be included for reviewers to comment as well.

### Comment 073

The EA in 3.5 states that the majority of emissions as a result of this project will be produced from applications of poultry litter. It is requested that the emissions constituents be identified and quantified. Known degradation of the air quality within the community is stated in the EA. There are a large number of documented chemicals produced and released from poultry CAFO facilities. The following briefly discusses a number of the more prevalent air quality risks. It is requested that each of the air emissions below be fully disclosed and all mitigation measures be fully described. Further it is requested that air modeling be performed for the proposed project due to the unique topography and metrological conditions of the adjacent properties. The emissions will migrate off the property and onto adjacent and nearby properties which are at a lower elevation topographically and along the Piney Fork of the Strawberry River due to thermal inversions which take place each day. This is a significant meteorological and topographical issue which will accelerate migration of emissions off-site and adversely impact adjacent and nearby residents. The meteorological and topographical conditions of the surrounding area will result in rapid migration of emissions which in turn increases the concentrations which will impact neighboring properties. This is not acceptable and it is inexcusable that an EA would be issued without mention or consideration of the risk.

### Comment 074

Ammonia is only one of the constituents of air emissions expected from this operation. The USEPA estimates that the poultry industry alone will emit 648,200 tons of ammonia into the atmosphere in 2015. This is the highest

ammonia producing activity in agriculture, more than dairy, beef cattle, and swine. The potentially negative environmental impacts of ammonia can occur through several different routes (Kurvits and Marta, 1998). For example, deposition of atmospheric ammonia can cause a number of harmful effects in a variety of ecosystems. These effects include over-enrichment of nitrogen in sensitive aquatic ecosystems. Eutrophication of surface waters can lead to the decline of aquatic species, including those with commercial value, and an overall decrease in biological diversity. Similarly, sensitive crops (e.g., tomatoes, cucumbers, and fruit cultures) that are cultivated near significant sources of ammonia can be damaged by over-fertilization caused by ammonia deposition (van der Eerden et al. 1998). Acidification of soils also results from the deposition of ammonia followed by oxidation to nitrate and may be of particular concern where soils have a low capacity to buffer acid. In addition to this, ammonia can have a negative impact on the environment by contributing to the formation of an air pollutant known as particulate matter (PM). Particulate matter refers to very small (0.005-100  $\mu\text{m}$  in diameter) airborne solid particles or liquid droplets that are also known as soot. One specific form of particulate matter, PM<sub>2.5</sub>, refers to particles with a diameter of 2.5  $\mu\text{m}$  or less. Indirect formation of PM<sub>2.5</sub> can occur when ammonia reacts with nitrogen and sulfur oxides (NOX and SOX) in the atmosphere to form fine particles. This form of PM is of particular concern because the small size of the particles allows them to penetrate deep into the lungs, where they can contribute to respiratory disease and stress the cardiac and immune systems. When animals or humans breathe air containing particulate matter, fine particles (PM<sub>2.5</sub>) penetrate deeper into the lungs than coarse particles (2.5 to 10 $\mu\text{m}$  diameter) and can cause coughing, wheezing, shortness of breath and lung damage (EPA, 2006). In addition, larger particulates contribute to the formation of haze and associated reductions in visibility by the formation of haze. The USEPA has determined that 144 ppb is the maximum lifetime exposure to ammonia. It is requested that definitive surveys including dispersion and deposition modeling to determine the lifetime exposures of ammonia to the surrounding environment and residents. Additionally it is requested that soil sampling of surrounding properties be performed and the costs associated with soil acidification be estimated for each land owner. Further it is requested that a particulate matter study be performed for the facility as the surrounding community consists of (as the EA states) “low-income” families nor minorities are susceptible to respiratory illness.

### Comment 075

Hydrogen sulfide is another primary air emission concern. Epidemiological studies have shown that communities exposed to hydrogen sulfide report symptoms such as asthma, chronic bronchitis, and shortness of breath, eye irritation, nausea, headaches, and the loss of sleep. The USPEA has established a maximum lifetime exposure level to Hydrogen Sulfide at 0.7 ppb. It is requested that the hydrogen sulfide production for the proposed facility be provided including the study and all data results. Further all mitigation activities must be fully explained and validated.

### Comment 076

Odor is another issue of great concern. There are published, peer-reviewed studies of odors experienced by community residents living in close proximity to CAFOs. Studies concluded that community members experienced more tension, depression, anger, fatigue, and confusion than control groups. Additionally, the studies revealed elevated risk of headaches, runny noses, sore throats, excessive coughing, diarrhea, burning eyes, and a reduced quality of life. Missouri regulates odors at a dilution rate of 7:1 at the property line (10 CSR 10-6.165 Restriction of Emission of Odors). Since Arkansas does not have such a regulation it is requested that the closest applicable regulation with respect for odor be utilized in a study to determine the calculated odor value of this facility. It is not acceptable that one group of citizens are subjected to a lesser standard for their quality of life. Unless it is determined by the FSA that the “low-income” and minority residents will not be affected as stated in the EA.

### Comment 077

The EA in states that compliance with the CNMP requires that producers keep emissions to a minimum. In addition the EA states that poultry farms do not produce enough emissions to require monitoring or permitting.

Air emissions contain components listed by the EPA as hazardous and have been determined to have specific safe lifetime exposure limits. These are significant components of the risks to health and safety of the public. It is requested that this minimum be quantified and provide all relevant data used to make this determination. Further the ADEQ determination must be provided as well as the quantification relative to the proposed project. Additionally, the individual or entity making the determination must be identified and the CNMP be provided as well for review.

### Comment 078

The EA in 3.5.2 states that motor vehicle traffic will increase “slightly” “during construction and will have a short duration. Simply an untrue statement. It is requested that the terms “slightly” and “short” be quantified. Additionally, since an evaluation of traffic patterns has been completed in order to make the determination of the type and degree of impacts associated with the proposed project that the study be provided for review. Currently there is very limited traffic on the adjacent roadways and their condition continues to deteriorate. The addition of feed trucks, support services, litter trucks and all other transportation activities will accelerate the deterioration of the roads and during periods of high precipitation will leave residents with limited access which is unacceptable. The statement is false and unsubstantiated. The road composition is primarily clay with rock mixed in, but when wet becomes a rutted mess in short order. Placing heavy truck traffic will exacerbate the issue and make the road impassible.

### Comment 079

The EA in 3.5.2 states that post construction traffic will not noticeably increase due to the number of poultry farms in the area. It is requested that the term “noticeably” be defined. Further it is stated that the reason for the indistinguishable traffic increase is due to the number of poultry farms in the area. It is requested that first “area” be defined; is it the county, the state, and it is requested that the “number” of poultry houses be identified as to their location and proximity to the “area.” As there appears to be sufficient data to determine the impacts of the additional traffic it is requested that the number of expected vehicles be identified as well as type, frequency of travel, and anticipated impact to the existing road system. Please include all discussions with the ADOT Engineering as well. Same comment associated with Comment 45, again another false and unsubstantiated claim. Currently there are no poultry related vehicles which utilize the proposed project area roadways.

### Comment 080

The EA in 3.6.2 states that the tract is located in rural Clay County

Please provide the explanation of why yet another misleading statement. The statement states near Evening Shade and Clay County. Both cannot be correct. Another example of misleading information or either development by the cut a paste method which does not promote a high degree of confidence in the EA or its supporting documents.

### Comment 081

The EA in 3.6.2 states that during construction and at completion this project will not adversely impact nearby residents. This statement is completely FALSE! By the scant few details provided in the EA alone this statement is contradictory. Residents will be adversely impacted by this project as identified in the following list as identified within the EA but not limited to:

- Water quality degradation (stated in section 3.2.2)

- Air quality degradation (stated in sections 1.1 and 3.5.2)

Further adverse impacts include which are not listed in the EA but are not limited to:

- Health risks
- Decreased property values
- Loss of population
- Odor and disease vectors from dead animals
- Loss of income from other farm and business operations
- Road degradation
- Aesthetic degradation
- Degradation of local outdoor recreational opportunities
- Drinking water degradation
- Increased Traffic and traffic pattern changes
- Life Quality degradation
- Reduction of business opportunities
- Degradation of local businesses
- Loss of outdoor property use

#### Comment 082

The EA in 3.6.2 it states that there is a church and school 1.0 mile from the proposed project. In the 2015 EA the church was 1.3 miles away and a school 12.3 miles away. It is requested that the church and school be identified and explained why the differences in locations. Further the site location is identified as rural Clay County. The proximity to Sharp County and the fact that this project is also identified as being in Izard County should be identified as the referenced church location is in Sharp County.

#### Comment 083

The EA in 3.6.2 states that there will be no impact to the area's public and community's services. This is very vague and it is requested that the public and community services surveyed be identified and a full description of how the "services" will not be impacted.

#### Comment 084

The EA in 3.6.2 goes on to state that there will not be a population increase. This is a clear statement that the project does not provide any additional employment opportunities or community growth opportunities. It is requested that the benefit of the project to the local economy be fully disclosed and all data be provided for review.

#### Comment 085

Sentence four states that there is a minority population in the area. It is requested that again the term "area" is clearly defined and identification of the minority group(s) be provided. No noted minority populations exist in the area and the Evening Shade Community is approximately 5.0 miles to the east and does not represent the local community.

#### Comment 086

The statement in 3.6.2 is above all the most repugnant of the entire project document and provides reviewers with a clear, very clear, indication of how rural citizens are viewed by the parties associated with the project inclusive of the applicant, First Service Bank, and the FSA. This statement clearly outlines the intent of the project to degrade of the quality of life of rural citizens and their environment for the purpose of, as stated in the EA "Construction of a six house OMP or PECO broiler houses." To state that the majority of the residents in the area are "low

income” and that the proposal will not have an adverse impact on them should be supported by a number of studies and long-term evaluations. It is therefore requested that this data be provided for public review. To determine an individual’s right to a clean and healthy environment based solely upon their income level or being a minority is both environmental discrimination and socially irresponsible. For example would this project even be considered for an area with affluent citizens? Of course not! It is only for the “low income” communities to bear the environmental and social injustices as stated in the EA for this project. The statements within 3.6.2 of the EA is opposed by the majority of the community. Citizens of the subject area are vehemently opposed to the labeling of the citizens of this community, to the indifference demonstrated by all parties to the project, and to the inexcusable discrimination of the community and its citizens. It is requested that all information and data utilized in the determination of the following is provided:

- Determination of the “area”
- Determination of income levels
- Determination of how income levels correlate with the level of tolerance to adverse environmental impacts, detrimental and documented health concerns, adverse economic impacts, and rights to an equal quality of life
- Determination of how minorities correlate with the level of tolerance to adverse environmental impacts, detrimental and documented health concerns, adverse economic impacts, and rights to an equal quality of life

It is inexcusable and completely against all ethical standards to discriminate against citizens based upon their income levels as has been done by the preparer of the EA, the FSA, applicant, and First Service Bank. This action in itself should be sufficient to dismiss this entire EA, the proposed project, and bring scrutiny to the process and all parties to this proposed project.

Property values have been cited to range from 6.6% within a 3.0 mile radius of a CAFO to 88% within a 1/10 mile radius. Based on these studies there is clear evidence of significant and substantial property value loss to a majority of all residents and land owners within the community.

It is further requested that the data sources be provided that were utilized in the determination of why low income and minorities are more tolerant of social and environmental injustices.

#### Comment 087

The statement in 3.6.2 regarding the social and economic impacts being evaluated at the national level requires a full explanation and clarification.

#### Comment 088

The last sentence in 3.6.2 states that there are no impacts expected to result from individual farm participation. Again this statement is unclear as to its applicability to the project and its meaning. Please clarify the sentence purpose and applicability.

#### Comment 089

The EA in 3.7 states that 15.6% of the population is below the poverty rate; and a minority population of less than 2% exists. It is requested that the data be explained and provided as to where the data was collected for and the date of the data. Additionally the validation of the data must be provided. The population on which the data was collected should be provided as well.

#### Comment 090

The EA in 3.7 states that there will be no adverse effects to these groups. It is requested that determination of why these groups are not subject to adverse effects from the project. As the EA clearly identifies there are a

number of effects expected from the project. Further it is requested that the rationale for omitting all other groups which make up the remaining 82.4% population. Are they different in their tolerance levels?

#### Comment 091

The EA in 3.7 states that since less than 20% of the population does not live below the poverty level there are no Environmental Justice Concerns. It is requested that a detailed explanation of why “low income” populations were not addressed under this section. Clearly the EA has identified in 3.6.2 “The majority of the residents in this area are low income.” Since most of the local population are “low income” which is stated as a definition of an Environmental Justice resource in 3.7.1 there should be a very detailed explanation of the EJ Concerns. As far as the Environmental Justice Concerns go it is clear that the statement in 3.6.2 is an Environmental Justice issue as persons of low income are determined not be affected by environmental and quality of life degradation. It is further requested that a full explanation and justification of why this is not considered as an Environmental Justice Concern be provided for review.

#### Comment 092

The EA in 3.8.2 states the proposal only involves existing farms. There is currently no existing farm at the proposed location. The property has been vacant and abandoned until late last year when the applicants moved into the house.

#### Comment 093

The EA in 5.1 states that the possible cumulative impacts the applicants’ proposed activity may present in the Clay County area. This is again a different project. This alone should cause the project to be rejected as the representation throughout the EA has been for a number of projects cobbled together quickly by a cursory effort to get an EA published. There has been no noted effort to collect credible data, verify statements provided by the applicant or to perform a field investigation.

The fact that the project in IZARD County has been the site of an auto repair shop is not mentioned. It is thereby requested that this EA be rejected and a full investigation into both this project and the process be undertaken to determine why the local community is being misled and dismissed by the project proponents and false information is being utilized in an effort for financial gain.

Further the cumulative effects must be identified and quantified for public review and incorporation into the EA. The simple statement of cumulative effects without details and supporting documentation provides no possibility of review or comment. This is either a deliberate action to withhold information or a deliberate act to mislead the public.

#### Comment 094

The EA in 5.1 states that it does not appear that this project will have an adverse effect on the Clay County environment. Again misleading and false as the proposed project is located in IZARD County. The EA does not reflect the actual conditions of the local environment, community, or of the actual risks posed by the proposed project.

The statement is rejected and it is requested that the determination be withdrawn. The basis for the determination is false therefore the determination as such is by default false.

#### Comment 095

The EA in 5.1 states there were no comments received regarding the Draft NOA. The NOA in January was missed that was in the Melbourne Times, which is a different newspaper from the posting of last year’s NOA. Comments to the 2015 NOA by the indicated deadline preserves our rights regarding this project therefore the

comments in opposition to this project were voiced to the FSA on July 17, 2015 and are incorporated by reference by these comments as the EA of 2015 for this same project was incorporated by the current EA.

There is vehement opposition to this project based on the health and welfare of the local community and the environment as evidenced by this document and comments provided by other concerned citizens. Further this fact is well documented and the FSA and applicant are cognizant of the level of opposition.

### Comment 096

There are a large number of risks not noted within the EA which will require significant mitigation measures. Risks include but are not limited to:

- Nearby residents and public health
- Nearby residents and public safety
- Nearby and community drinking water supplies and quality
- Nearby and community air quality
- Adverse impacts to wetlands
- Adverse impacts to listed rivers on the NRI
- Adverse impacts to endangered and threatened species
- Adverse impacts to state listed species of concern
- Adverse impacts to current outdoor recreational opportunities
- Adverse impacts to adjoining and nearby farms
- Adverse impacts to nearby businesses
- Damage to roads and bridges
- Traffic Pattern Changes
- Disease vector impacts
- Adverse impacts to the electrical supply
- Adverse Groundwater impacts
- Adverse impacts to the human environment
- Adverse impacts to the economic well-being of the nearby residents and community
- Adverse financial impacts to adjoining and nearby residents
- Adverse impact on 303(d) listed Strawberry River and its tributaries from pad construction and the increased runoff channeling from the project

It is requested that the determination in this section be fully explained and that why even the most basic mitigation measures are not considered as necessary.

### Comment 097

It is noted that the contacts in preparation of the EA does not include any individuals, groups, local government, or citizens. It is requested that a full explanation of how the conclusions and assumptions regarding all statements within the EA which refer to the local government, taxation, residents, roads, waterways, and all other elements which require specific local knowledge were determined without the assistance and/or participation of local entities. Without local participation or knowledge any conclusion, statement, or data is subject to speculation and opinions of the document developer and applicant who stands to profit from the approval of this project.

### Comment 098

Similar to Comment 097 in that none of the cited references contain local data. Based upon the contents of the EA the data does not reflect the subject area. Please provide the rationale for basing the EA on only the above

five (5) references. Due to the scale and intensity of the adverse impacts that a project of this magnitude would bring to citizens it again is inexcusable that five (5) “internet” searches are adequate to determine the fate of the lives of so many people.

It is demanded that a full EIS be conducted before making any decisions regarding this project and that at least someone other than the applicant perform a due diligence site visit.

### Comment 099

The 1940-20 completed by the applicant notes in section 4 that the water will be supplied by the local community water system, that water quality testing is conducted periodically, and water quality both surface and underground are acceptable at this time.

This is a false statement provided by the applicant. There is no community water system within this area. Water quality is not periodically conducted. It is requested that the reason and purpose for providing this false information be provided.

Further there is no mention of nor any data associated with the water requirements for the proposed project. As the area water supply is limited to groundwater any commercial withdrawal within a karst region will have an effect on current users and has the potential to render wells and springs unusable through reduction in capacity or complete loss of recharge.

The agency has failed to provide sufficient data or even address the limited drinking water resources of the local community. By failure to address residential water utilization and impacts puts the drinking water supply for the local community at unnecessary risk.

A full groundwater capacity study must be performed with findings distributed to the local residents for review and comment. Failure to do so violates the rights of the citizens of the local community with respect to safe drinking water.

### Comment 100

The 1940-20 completed by the applicant notes in section 2(b) that the current use of the subject property is agricultural. There are no agricultural activities present at the property nor have there been any noted activities as the property has been vacant for a number of years.

### Comment 101

On the USDA Form RD 1940-20 page 1, Item 3 the applicant has indicated that there are no noted residential land uses to be affected by the proposal. This is a false statement. Residential locations in close proximity to the facility which WILL be adversely affected include residences located at the following distances from the proposed facility:

- 0.09 miles
- 0.21 miles
- 0.44 miles
- 0.45 miles
- 0.47 miles
- 0.53 miles
- 0.65 miles
- 0.72 miles
- 0.75 miles
- 0.80 miles



- 0.83 miles
- 0.87 miles
- 0.92 miles
- 0.94 miles

**Note:** the distances provided above are the actual physical home structure locations, residential properties are closer in proximity.

No known contact or site visit has been made by the project applicant or the FSA to these neighboring residential land use locations for the purpose of determining the potential for adverse impacts. The determination must have been made using some logic or methodology which would ensure that the statement is in fact true. There are no supporting calculations or documents which would indicate that the surrounding residences will not be impacted. Within this same document there is a statement in section 2.2.2 “Again, by selecting the site, producers have proposed they will be limiting the potential environmental impact to their property and to surrounding property owners.” This statement indicates that the applicant is aware of both environmental impacts and surrounding property owners. Either there are residential properties or there are not. Physical evidence shows that there are (as listed above) surrounding residential properties. The types of public health impacts as well as physical and financial impacts will be discussed in other comments as appropriate. The fact is that the statement of “no residential land uses” is false and should be revised to reflect the facts and incorporated into the assessment.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

It is requested that the qualifications of the individual for determining whether or not residential land uses will or will not be affected by the proposal along with methodologies and data be provided for public review and comment. Conjecture is neither accurate nor acceptable when determining the health and welfare of the public. Taxpayer funds should not be utilized to take away the quality of life and/or subject the public to health risks based solely on conjecture and one individual’s or company’s desire for financial gain.

Further it is desired that due to the proximity of residential land use to the subject proposed project, that was obviously missed by the information provider, that a full Environmental Impact Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

### Comment 102

On the USDA Form RD 1940-20 page 1, Item 8 the applicant has indicated that there are no noted recreational land uses to be affected by the proposal. This is a false statement. All adjacent and downstream land uses include recreational hunting and fishing while one adjacent property land use is solely used for recreation.

No contact or site visit has been made by the project applicant to these neighboring land use locations for the purpose of determining the potential for adverse impacts. The determination must have been made using some logic or methodology which would ensure that the statement is in fact true. There are no supporting calculations or documents which would indicate that the surrounding properties and recreational areas will not be impacted. Within this same document there is a statement in section 2.2.2 “Again, by selecting the site, producers have proposed they will be limiting the potential environmental impact to their property and to surrounding property owners.” This statement indicates that the applicant is aware of environmental impacts to surrounding property

owners. The fact is that the statement of “no recreational land uses” is false and should be revised to reflect the facts and incorporated into the assessment.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

It is requested that the qualifications of the individual for determining whether or not recreational land uses will or will not be affected by the proposal along with methodologies and data be provided for public review and comment.

Further it is desired that due to the proximity of recreational land use to the subject proposed project, that was obviously missed by the information provider, that a full Environmental Impact Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

### Comment 103

On the USDA Form RD 1940-20 page 1, Item 21 the applicant has indicated that the project is not located in or adjacent to a wetland. The following designated wetland is located less than 1,000 feet from the proposed project:

#### **R2UBH:**

**R System RIVERINE:** The Riverine System includes all wetlands and deep water habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Upland islands or Palustrine wetlands may occur in the channel, but they are not part of the Riverine System.

**2 Subsystem LOWER PERENNIAL:** This Subsystem is characterized by a low gradient and slow water velocity. There is no tidal influence, and some water flows throughout the year. The substrate consists mainly of sand and mud. The floodplain is well developed. Oxygen deficits may sometimes occur.

**UB Class UNCONSOLIDATED BOTTOM:** Includes all wetlands and deep water habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

#### **Subclass: Modifier(s):**

**H WATER REGIME Permanently Flooded:** Water covers the land surface throughout the year in all years.

The adjacent spring-fed creek discharges into this wetland (less than 0.6 miles) downstream of the proposed facility. There are no maps provided for this determination.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

It is requested that the wetlands map with the facilities accurately noted be provided for public review and comment. Further it is requested that the influence of the spring-fed creek be fully evaluated and provided for public comment.

Further it is desired that due to the proximity of the wetland and the adjacent spring-fed creek to the subject proposed project, that was obviously missed by the information provider, that a full Environmental Impact

Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

#### Comment 104

On the USDA Form RD 1940-20 page 1, Item 22 the applicant has indicated that the project is not located in or adjacent to a floodplain. There is no floodplain map provided with the EA or Form 1940-20. There is a bank document (SFHDF) from FEMA which states that the subject property is within a Special Flood Hazard Area.

This form cannot be utilized for any purpose other than for lending purposes therefore does not satisfy the determination of the flood zone. The form further states that the risk of flooding is only reduced for the existing home and not removed. The proposed structures are located closer to the flood zone therefore adjacent.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

It is requested that the flood map with the facilities accurately noted be provided for public review and comment.

Further it is desired that due to the proximity of the flood zone to the subject proposed project, that was obviously missed by the information provider, that a full Environmental Impact Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

#### Comment 105

On the USDA Form RD 1940-20 page 1, Item 24 the applicant has indicated that the project is not located in or adjacent to a Wild and Scenic River. Piney Fork is part of the Strawberry River not a separate river system. The spring-fed creek is one of its tributaries. This was obviously missed by the information provider and must be considered before continuation of the project evaluation.

The Strawberry River and its spring-fed tributaries (Piney Fork of the Strawberry River is in fact a “fork” of the river and not a separate waterway) is listed by the National Park Service on the National Rivers Inventory as:

- It is within the range of the Gray and Indiana Bats, and the migration route of the Arctic Peregrine Falcon and Eskimo Curlew, federally listed endangered species. The Strawberry River drains 2,051 square miles of the Salem Plateau province of the Ozarks. The geology of this area results in “stair steps” which create falls when grouped together. It has Class AA water quality to Cooper Creek and Class A water quality to the Black River. It descends at a rate of 14 feet per mile, and supports a smallmouth bass fishery above Cooper Creek and a warm-water fishery below. The upper reaches afford fine canoeing opportunities. It is an excellent example of the transition from mountain terrain to delta land. A State Wildlife Management Area exists near the confluence with Black River. The riparian buffer consists of 33.8% agricultural uses, 24% mixed forest, 3.6% deciduous forest and .2% barren. The Strawberry River is a popular recreation stream for residents of the northeast portion of the state.
- The counties within the listed area listed are Izard, Sharp, and Lawrence.
- The Outstanding Remarkable Values (OSVs) listed for the waterway are S, R, G, and F.
  - Scenery (S): The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values,

additional factors -- such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed -- may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.

- 2. Recreation (R): Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, and photography, hiking, fishing and boating. °Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison. The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.
- 3. Geology (G): The river, or the area within the river corridor, contains one or more example of a geologic feature, process or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).
- 4. Fish (F): Fish values may be judged on the relative merits of either fish populations, habitat, or a combination of these river-related conditions. °Populations: The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable."

And is listed by the USACE as:

- An Extraordinary Resource Waterbody
- A Natural and Scenic Waterway

Further the Strawberry River and its spring-fed tributaries has been placed in Arkansas' Natural and Scenic Rivers System. Along the banks of the Strawberry River the Nature Conservancy operates a 950 acre Preserve. The Strawberry River and its spring-fed tributaries is listed as one of the most aquatically rich systems in the State. The Strawberry River is one of the few free-flowing rivers remaining in the State of Arkansas and is home to more than half of the native fish species in the state. Best known to anglers for its smallmouth bass, the Strawberry River also harbors 107 other species of fish, as well as 39 freshwater mussel species. Sixteen of these creatures are not found anywhere outside the Ozark Mountains ecoregion. One fish - the Strawberry River darter (*Etheostoma fragi*) - lives only in this river system. The US Fish and Wildlife Services lists the Strawberry River as "Final Critical Habitat" for the Rabbitsfoot and Neosho Mucket.

The omission of critical information such as this is not in the best interest of the local residents. This clearly demonstrates the limited knowledge of the information provider regarding the local environment.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

Further it is desired that due to the proximity of the spring-fed tributary and the Piney Fork of the Strawberry River to the subject proposed project, that was obviously missed by the information provider, that a full Environmental Impact Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

### Comment 106

On the USDA Form RD 1940-20 page 1, Item 27 the applicant has indicated that the project is not located in or adjacent to Wildlife. The location of the proposed project is within one of the largest forested areas in the eastern part of IZARD County. A large number of species are listed for IZARD County; however, only one species has been noted by the preparer. This was obviously missed by the information provider and must be corrected and considered before continuation of the project evaluation.

It should be noted that the subject property is not currently in “agricultural use” as stated by the preparer nor has it been for many years. The area has been allowed to return to its natural state and there is a strong probability that some of the listed species will be disturbed or destroyed as a result of this project.

- Species listed as threatened and endangered within the Strawberry River System include:
  - *E. spectabile fragi* - Strawberry Darter (endemic to the Strawberry River System)
- Species of Concern listed within IZARD County include:
  - *Alasmidonta marginata* (elktoe) – State Rank S3
  - *Caecidotea dimorpha* (an isopod) – State Rank S2
  - *Cyclonaias tuberculata* (purple wartyback) – State Rank S3
  - *Cyprogenia aberti* (western fanshell) – State Rank S2
  - *Daedalochila peregrina* (white liptooh) – State Rank SNR
  - *Epioblasma triquetra* (snuffbox) – State Rank S1 – Federal Status LE
  - *Gastrocopta rogersensis* (a land snail) – State Rank S2
  - *Heterosternuta ouachita* (Ouachita diving beetle) – State Rank S2
  - *Heterosternuta phoebeae* (a predaceous diving beetle) – State Rank S2
  - *Lampsilis siliquoidea* (fatmucket) – State Rank S3
  - *Lasmigona costata* (flutedshell) – State Rank S3
  - *Ophiogomphus westfalli* (Westfall's snaketail) – State Rank S1S2
  - *Orconectes neglectus chaenodactylus* (gap ringed crayfish) – State Rank S4
  - *Patera clenchi* (Calico Rock oval) – State Rank SNR
  - *Ptychobranthus occidentalis* (Ouachita kidneyshell) – State Rank S3
  - *Quadrula cylindrica cylindrica* (rabbitsfoot) – State Rank S2 – Federal Status LT
  - *Stygobromus ozarkensis* (Ozark cave amphipod) – State Rank S2
  - *Toxolasma lividum* (purple lilliput) – State Rank S2
  - *Venustaconcha pleasii* (bleedingtooth mussel) – State Rank S3
  - *Villosa iris* (rainbow) – State Rank S2S3
  - *Villosa lienosa* (little spectaclecase) – State Rank S3
  - *Ambystoma tigrinum tigrinum* (eastern tiger salamander) – State Rank S3
  - *Cemophora coccinea copei* (northern scarletsnake) – State Rank S3
  - *Cottus immaculatus* (knobfin sculpin) – State Rank S3
  - *Crotaphytus collaris* (eastern collared lizard)
  - *Cyprinella spiloptera* (spotfin shiner) – State Rank S1
  - *Erimystax harryi* (Ozark chub) – State Rank S3S4
  - *Etheostoma autumnale* (autumn darter) – State Rank S2

- *Etheostoma fragi* (Strawberry River darter) – State Rank S1
- *Eurycea spelaea* (grotto salamander) – State Rank S3
- *Geomys bursarius ozarkensis* (Ozark pocket gopher) – State Rank S1
- *Haliaeetus leucocephalus* (Bald Eagle) – State Rank S2B, S4N
- *Lampetra aepyptera* (least brook lamprey) – State Rank S2
- *Lethenteron appendix* (American brook lamprey) – State Rank S2
- *Lithobates sylvaticus* (wood frog) – State Rank S3
- *Myotis grisescens* (gray myotis) – State Rank S2S3 – Federal Status LE
- *Myotis sodalis* (Indiana bat) – State Rank S1 – Federal Status LE
- *Notropis ozarcanus* (Ozark shiner) – State Rank S2
- *Notropis sabiniae* (sabine shiner) – State Rank S2
- *Pantherophis emoryi* (Great Plains ratsnake) – State Rank S3
- *Plethodon angusticlavius* (Ozark zigzag salamander) – State Rank S3
- *Scaphiopus hurterii* (Hurter's spadefoot) – State Rank S2
- *Abutilon fruticosum* (Texas Indian-mallow) – State Rank S1
- *Acalypha deamii* (Deam's copperleaf) – State Rank S1
- *Argyroschosma dealbata* (powdery cloak fern) – State Rank S2
- *Aristida purpurea* var. *purpurea* (purple three-awn) – State Rank S1
- *Asplenium pinnatifidum* (lobed spleenwort) – State Rank S3
- *Brickellia grandiflora* (tassel-flower) – State Rank S2
- *Carex opaca* (opaque prairie sedge) – State Rank S2S3
- *Carex planostachys* (cedar sedge) – State Rank S1
- *Coreopsis grandiflora* var. *saxicola* (large-flower tickseed) – State Rank S3
- *Helianthus pauciflorus* ssp. *pauciflorus* (prairie sunflower) – State Rank S1
- *Mentzelia oligosperma* (stick-leaf) – State Rank S1
- *Mimulus floribundus* (yellow monkey-flower) – State Rank S2S3
- *Nemastylis geminiflora* (celestial-lily) – State Rank S3
- *Nemastylis nuttallii* (Nuttall's pleat-leaf) – State Rank S2
- *Pediomelum esculentum* (large Indian-breadroot) – S2
- *Penstemon cobaea* (showy beardtongue) – State Rank S3
- *Physaria filiformis* (Missouri bladderpod) – State Rank S1 – Federal Status LT
- *Polygala incarnata* (pink milkwort) – State Status S1S2
- *Sida elliotii* (Elliott's sida) – State Rank S2S3
- *Spiranthes lucida* (shining ladies'-tresses) – State Rank S2
- *Stachys iltisii* (Ouachita hedge-nettle) – State Rank S3
- *Stylophorum diphyllum* (celandine-poppy) – State Rank S3
- *Symphotrichum sericeum* (silvery aster) – State Rank S2

Throughout the documents provided to support the Environmental Assessment (EA) there is a continual reference to Evening Shade which is located in Sharp County. The Sharp County line is approximately 0.36 miles east of the project area and should be incorporated into the environmental information for consideration.

The omission of critical information such as this is not in the best interest of the local residents or for the protection of the environment. This clearly demonstrates the limited knowledge of the information provider regarding the local environment.

Therefore it is recognized that any conclusions, actions, or efforts planned or undertaken based upon the aforementioned false statement is based upon incorrect information and should be negated as they are based on

false information. The document (Form 1940-20) is found to be either in error or purposefully misleading therefore is not valid for the purpose of determining the environmental consequence of the project.

Further it is desired that due to the large number of species subject to impact from the proposed project, that was obviously missed by the information provider, that a full Environmental Impact Statement Study be conducted and submitted for public review and comment. A public hearing is requested for this project as the review of the documents has revealed an inordinate number of errors and highly inaccurate information.

### Comment 107

On the USDA Form RD 1940-20 page 2, Exhibit I, Item 1 the applicant has indicated that the project is primarily for the benefit of OMP Farms with a secondary benefit for the applicant. It is most disturbing and alarming that the FSA would utilize farmer designated funding to support large agribusinesses such as OMP.

As the project is clearly for the benefit of a large agribusiness enterprise located in Batesville Arkansas (two counties away from the project) it would stand to reason that the project should not consider the local residents and businesses.

The project in its current form does not consider the local businesses or residents. The only focus is on OMP and PECO (to be discussed in a later comment) with some benefit for the applicant. This all is predicated on the applicant and OMP's continual dismissal of the environmental, financial, and health concerns of surrounding residents and businesses. This is both unacceptable and discriminatory.

It is requested that a full explanation of how the FSA loan guarantee program (taxpayer funds) is set up to assist OMP Farms at the expense of the environment, quality of life for the surrounding residents, and public health. The statement by the applicant indicates that this is a clear preference to OMP Farms for the purpose of the loan guarantee which is not in the interest of the surrounding residents and should therefore be rejected as the loan guarantee is detrimental to the local community.

### Comment 108

On the USDA Form RD 1940-20 page 2, Exhibit I, Item 2(a) the applicant has indicated that the project will generate odor which will have an impact on the surrounding area. This is a partially accurate statement. The part that is not accurate is that the odor is caused by a number of regulated chemical compounds which are not mentioned.

Currently the surrounding area residents are not impacted by the "odors" from industrial poultry operations. This equates to a healthy and enjoyable environment in which to live. The introduction of a federally-funded industrial agribusiness venture will significantly degrade the quality of life and place unacceptable health risks to the local population.

It is requested that the emissions constituents be identified and quantified. Known degradation of the air quality within the community is stated clearly in this section of the REI. There are a large number of documented chemicals produced and released from poultry CAFO facilities. The following briefly discusses a number of the more prevalent air quality risks. It is requested that each of the air emissions below be fully disclosed and all mitigation measures be fully described. Further it is requested that air modeling be performed for the proposed project due to the unique topography and metrological conditions of the adjacent properties. The emissions will migrate off the property and onto adjacent and nearby properties (as noted within the REI) which are at a lower elevation topographically and along the Piney Fork of the Strawberry River due to thermal inversions which take place each day. This is a significant meteorological and topographical issue which will accelerate migration of emissions off-site and adversely impact adjacent and nearby residents. The meteorological and topographical conditions of the surrounding area will result in rapid migration of emissions which in turn increases the

concentrations which will impact neighboring properties. This is not acceptable and it is inexcusable that an EA would be issued without mention or consideration of the risk.

**Ammonia** is only one of the constituents of air emissions expected from this operation. The USEPA estimates that the poultry industry alone will emit 648,200 tons of ammonia into the atmosphere in 2015. This is the highest ammonia producing activity in agriculture, more than dairy, beef cattle, and swine. The potentially negative environmental impacts of ammonia can occur through several different routes (Kurvits and Marta, 1998). For example, deposition of atmospheric ammonia can cause a number of harmful effects in a variety of ecosystems. These effects include over-enrichment of nitrogen in sensitive aquatic ecosystems. Eutrophication of surface waters can lead to the decline of aquatic species, including those with commercial value, and an overall decrease in biological diversity. Similarly, sensitive crops (e.g., tomatoes, cucumbers, and fruit cultures) that are cultivated near significant sources of ammonia can be damaged by over-fertilization caused by ammonia deposition (van der Eerden et al. 1998). Acidification of soils also results from the deposition of ammonia followed by oxidation to nitrate and may be of particular concern where soils have a low capacity to buffer acid (such as is present in the surrounding area). In addition to this, ammonia can have a negative impact on the environment by contributing to the formation of an air pollutant known as particulate matter (PM). Particulate matter refers to very small (0.005-100  $\mu\text{m}$  in diameter) airborne solid particles or liquid droplets that are also known as soot. One specific form of particulate matter, PM<sub>2.5</sub>, refers to particles with a diameter of 2.5  $\mu\text{m}$  or less. Indirect formation of PM<sub>2.5</sub> can occur when ammonia reacts with nitrogen and sulfur oxides (NO<sub>x</sub> and SO<sub>x</sub>) in the atmosphere to form fine particles. This form of PM is of particular concern because the small size of the particles allows them to penetrate deep into the lungs, where they can contribute to respiratory disease and stress the cardiac and immune systems. When animals or humans breathe air containing particulate matter, fine particles (PM<sub>2.5</sub>) penetrate deeper into the lungs than coarse particles (2.5 to 10 $\mu\text{m}$  diameter) and can cause coughing, wheezing, shortness of breath and lung damage (EPA, 2006). In addition, larger particulates contribute to the formation of haze and associated reductions in visibility by the formation of haze. The USEPA has determined that 144 ppb is the maximum lifetime exposure to ammonia.

It is requested that definitive surveys including dispersion and deposition modeling to determine the lifetime exposures of ammonia to the surrounding environment and residents. Additionally it is requested that soil sampling of surrounding properties be performed and the costs associated with soil acidification be estimated for each land owner. Further it is requested that a particulate matter study be performed for the facility as the surrounding community consists of (as the EA states) “low-income” families are not susceptible to the environmental and health impacts produced by the project.

**Hydrogen sulfide** is another primary air emission concern. Epidemiological studies have shown that communities exposed to hydrogen sulfide report symptoms such as asthma, chronic bronchitis, and shortness of breath, eye irritation, nausea, headaches, and the loss of sleep. The USEPA has established a maximum lifetime exposure level to Hydrogen Sulfide at 0.7 ppb. It is requested that the hydrogen sulfide production for the proposed facility be provided including the study and all data results. Further all mitigation activities must be fully explained and validated.

**Odor** is another issue of great concern. There are published, peer-reviewed studies of odors experienced by community residents living in close proximity to CAFOs. Studies concluded that community members experienced more tension, depression, anger, fatigue, and confusion than control groups. Additionally, the studies revealed elevated risk of headaches, runny noses, sore throats, excessive coughing, diarrhea, burning eyes, and a reduced quality of life. Missouri regulates odors at a dilution rate of 7:1 at the property line (10 CSR 10-6.165 Restriction of Emission of Odors).



Since Arkansas does not have such a regulation it is requested that the closest applicable regulation with respect for odor be utilized in a study to determine the calculated odor value of this facility. It is not acceptable that one group of citizens are subjected to a lesser standard for their quality of life. Unless it is determined by the FSA that the “low-income” and minority residents are not be susceptible or affected as stated in the EA.

### Comment 109

On the USDA Form RD 1940-20 page 2, Exhibit I, Item 2(b) and the Environmental Assessment page 12, Section 5.2 the applicant has indicated that the subject project property is agricultural. In the EA the property is listed as being in row crop operation and has been for several years. Neither of which is true. The land has laid vacant for a number of years and has never been tilled. It further states that the project will not affect the agricultural use of the land. If it is in row-crop operation and you place a building on it there will be an effect? It is apparent that the row crop reference is in an effort to establish an opportunity for land application of poultry wastes.

This provision of confusing and conflicting information again indicates that the EA and all information provided by the applicant is manufactured for the purpose of obtaining the project approval without regard to the truth, facts, or due process. Based upon the continual false statements and conflicting information throughout the documents that this project be permanently rejected and an investigation be initiated for the determination of why false and misleading information is being submitted by the applicant, agreed and processed by the FSA, and provided to the public for comment. This is unjust and must be rectified immediately.

### Comment 110

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 3 the applicant states that emissions will be minimized by compliance with the Nutrient Management Plan and the Integrator’s bird disposal requirements.

As these documents have been incorporated by reference it is required that these be provided to reviewers for comment as they supposedly contain the information regarding the control of emissions. Without these documents the control of emissions cannot be evaluated or commented on. Again this is another example of vague and missing information which is not in the best interest of the project and certainly should not be condoned by the FSA.

### Comment 111

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 4(a) the applicant states that the proposed facility water requirements will be met by the local community water system and private wells.

This is another false statement as there is no local community water system. There never has been and most likely never will be. This attempt to downplay the effect groundwater withdrawal will affect the local community private wells is unacceptable.

It is requested that a complete explanation of why this false information has been provided in an effort to secure the FSA loan guarantee and that an actual quantification of the water requirements be provided with a study and data to support the findings of impacts to the local wells. The area is karst topography and all wells and springs are interconnected.

Further it is requested that a full description with guarantees that when local residents’ wells and springs are affected a comprehensive and funded program is in place for replacement of drinking water supplies. This applies also to wells and springs utilized for livestock water provision.

It is requested that the rationale for accepting the 1940-20 when §1940.318(a) states that any Form RD 1940-20 submitted by the applicant which is found to be incomplete, inconsistent, not fully responsive to the items, not

signed, and not dated will be returned to the applicant with a request for the necessary clarifications or additional data.

### Comment 112

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 4(a) the applicant states that water quality is tested periodically. This is another false statement provided by the applicant. There is no noted water testing regimen in place for the testing of the local water wells. As this issue has been raised by the applicant and agreed by the FSA it is requested that the water testing program be fully disclosed with all parameters for testing, analytical results, sampling protocols, and historical data going back five (5) years to establish a water quality profile. If not a full explanation of why false information is being provided.

It is requested that the rationale for accepting the 1940-20 when §1940.318(a) states that any Form RD 1940-20 submitted by the applicant which is found to be incomplete, inconsistent, and not fully responsive to the items will be returned to the applicant with a request for the necessary clarifications or additional data.

### Comment 113

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 4(a) the applicant states that water quality both underground and surface is acceptable at this time. In order to make such a determination there must be data to support such a claim. This data has not been provided for review. It is requested that all underground and surface water quality sampling results be provided for review by the public. In addition all sampling protocols, parameters, testing methods and results must be provided. If this is not the case it is required that a full explanation of why false information is being provided by the applicant and also why the FSA is agreeable to the utilization of false and misleading information in the EA.

### Comment 114

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 4(b) the applicant states that there will not be any effluents or discharges associated with the project facilities. Based upon the high percentage of false statements throughout the 1940-20 and EA the opinion of the applicant is not acceptable as fact. It is requested that a full disclosure of the facilities and their operations be provided for evaluation and comment.

### Comment 115

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 5 the applicant states that solid waste will consist of poultry litter and will be handled in accordance with the NMP and regulated by the NRCS. Now this conflicts with information provided by the NRCS in which we were told that the oversight of the NMP is provided by the integrator and not the NRCS.

It is requested that this be clarified and a copy of the NMP and the regulation assigning oversight to the NRCS. Additionally, it is requested that ALL wastes be identified including maintenance wastes, oily wastes, dead birds, and chemicals be fully listed and detailed as to the waste disposal process for each. Waste storage must be fully disclosed inclusive of volumes and components. Without the NMP and the regulation governing NRCS' role in regulating the waste it is not possible to evaluate the validity of this statement. Due to the high number of false statements and inaccuracies the opinions expressed by the applicant and FSA are not acceptable as fact.

### Comment 116

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 6(b) the applicant states that the proposed project will not adversely affect or create any new traffic patterns. Statement is false and simply the opinion of the applicant. In order to make such a statement there must be data to support the claim. All local residents have stated they will not be able to drive by the facility and will take an alternate route due to the close proximity of the

poultry houses to the road as the emissions will be exhausted directly onto passing traffic. It is requested that a full disclosure of the traffic study be provided in lieu of personal opinions.

### Comment 117

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 6(c) the applicant states that the proposed project will not affect existing land uses. False statement. Please provide the rationale and data to support this opinion. The land directly across the road will no longer be available for residential or commercial development as is the case with all surrounding land uses. Land uses will be both affected and changed as a result of the project. Land values will also decline as a result of which compensation will be sought from all parties associated with the devaluation of adjacent and nearby properties.

### Comment 118

On the USDA Form RD 1940-20 Exhibit 1, Item 6(d) the applicant states that the existing public roads are sufficient to provide adequate transportation to and from the proposed project. False statement and personal opinion of the applicant.

The local roads cannot at this time support tractor-trailer traffic. A local resident whose business is located within 600 feet of the project area cannot receive deliveries via tractor-trailer due to the condition of the roads. During periods of wet weather the public road into the proposed project is impassible. The counties of IZARD and SHARP will incur substantial costs to upgrade the roadways to accommodate traffic generated by the proposed project.

Please provide the rationale and data which substantiates this claim by the applicant.

### Comment 119

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 7(a) the applicant states that the major source of noise will come from the animal noises from the confinement houses. Statement omits the noises from equipment, construction, and traffic. Since there is a noise problem as stated by the applicant it is requested that the noise levels be fully detailed with data to support the claims. Further it needs to be explained fully before a valid evaluation can be made of why the omission of other noise sources within the project was made.

### Comment 120

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 7(b) the applicant states that the noise emissions from the proposed project will be minimal and not affect adjacent land uses. Since there is a quantification of "minimal" and is based purely upon personal opinion as there is no supporting data, it is requested that the anticipated noise levels be fully detailed and a credible evaluation performed by a qualified individual be performed for all adjacent and nearby land use locations. If this cannot be provided the statement is purely speculation and is invalid.

### Comment 121

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 9 the applicant states there are no known wildlife resources located in this area other than bald eagles. Statement goes to the limited knowledge of the applicant of the area and the associated wildlife. Statement again is false and should not be considered as satisfactory for the purpose of either the 1940-20 submission or incorporation within the EA. It is requested that the rationale for accepting the 1940-20 when §1940.318(a) states that any Form RD 1940-20 submitted by the applicant which is found to be incomplete, inconsistent, not fully responsive to the items, not signed, and not dated will be returned to the applicant with a request for the necessary clarifications or additional data.

### Comment 122

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 11(a) the applicant states that noise will be minimal from construction. Again in order to make a statement quantifying the noise levels from construction which in Item 7 was omitted, there has to be some baseline to determine the actual noise level to be produced. This data is required to fully evaluate and comment on the noise levels. Further the construction process needs to be fully detailed for evaluation as to the types of activities and equipment to be involved in order to determine the noise levels expected.

### Comment 123

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 10 the applicant states that energy will be supplied by the local Cooperative Electric Association. The statement is vague and does not include fuels needed for generators, does not quantify the energy demands nor how it potentially affects the down-current users. It is requested that the energy consumption for the proposed project be provided accompanied by the data (from the energy provider) which guarantees that down-current users will not be affected and if so what upgrades to the grid are being put in place to compensate for the power usage.

### Comment 124

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 11(b) the applicant states water runoff and erosion will be controlled by barriers in accordance with ADEQ Waste Water Permit. In Item 4 it states there will be no effluents or discharges associated with the project facilities. It is requested that the Waste Water Permit be provided and the waste water constituents be fully disclosed. Again conflicting information which in this case clearly states that wastewater discharge will be occurring at the facility thus requiring a Waste Water Permit. Further it clarity is required on how a Waste Water Permit addresses the runoff and erosion.

### Comment 125

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 11(b) the applicant states that there will be runoff and erosion which requires controls.

As stated by the applicant that there is erosion associated with the project it is requested that the statement that HEL does not exist on the property and how this erosion is somehow differentiated.

### Comment 126

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 12 the applicant states that no toxic substances will be used or produced by this project.

As there is a documented need for extensive disease vector control in most all poultry CAFOs why is there no mention of the disease vector control needed and the pesticides which will be utilized for controls. Full disclosure of any pesticide, herbicide, or other toxic substance must be identified with respect to frequency of use, type of chemical, purpose for use, and disposal of chemical containers.

This is another false statement unless ammonia and hydrogen sulfide, just to name two produced gases are now considered as non-toxic. The USEPA has determined that 144 ppb is the maximum lifetime exposure to ammonia. The USEPA has established a maximum lifetime exposure level to Hydrogen Sulfide at 0.7 ppb.

A personal and unsubstantiated opinion that toxic substances will not be used or produced by the project is not acceptable. A full disclosure of all toxic compound to be produced by the project be provided. Throughout the EA and the 1940-20 impacts of emissions are noted by the applicant and FSA. Unless the requested data is provided this item is consider strictly an opinion of the applicant and considered invalid.

### Comment 127

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 13(a) the applicant states that no objections have been made to the proposed project. This again is another false statement by the applicant. This proposed project has been objected to and opposed since its initial submission in July of 2015 both publically, in writing through the FSA, and in person to the applicant by most all of the neighboring residents. To make such a statement is unbelievable. Included within the group of those opposed to the project is the Sustainable Agriculture Project (SRAP), 98% of the local residents, Arkansas Rural Koalition (ARK), and others who have vehemently opposed the project based upon its adverse impacts on public health, the local community, and the environment.

This opposition is well known by the FSA as they were recipients of the initial EA review and comments through which all of the local residents have preserved their rights regarding this project. To accept this as a true statement is not possible.

### Comment 128

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 13(a) the applicant states that impacts on the residents in this area is minimal. Again this is an opinion of the applicant who stands to gain financially from such a false statement. Impacts are imminent as indicated by the applicant; however, not quantified nor qualified. It is therefore requested that all of the data utilized in this determination be provided including the qualifications of the individual making this conclusion. Impacts as stated throughout this document are devastating to the local residents who have children and grandchildren which will suffer incalculable adverse impacts to their health, safety, financial well-being, and quality of life. The statement does not identify any of the adverse impacts to the environment which are clearly outlined in this document and noted by the applicant.

### Comment 129

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 13(b) the applicant states that a public hearing is not required. §1940.331(c)(2) states that public information meetings held as part of an environmental assessment must be scheduled and announced with a minimum of seven (7) day notice. It is requested that a public hearing be scheduled and held as per regulation. The determination that no public meeting is necessary is based upon all of the false and incomplete information regarding the effects of the project on the surrounding residents, community, and environment. As clearly detailed in this document there are numerous impacts and risks to the health and safety of residents, the local community, and the environment. Additionally, in light of the extremely high number of false statements and incomplete data with the 1940-20 and EA a public hearing is both necessary and demanded as the citizens of this community are being put at undue risk by the applicant, the FSA, and the First Service Bank. With the number of discrepancies within the project the only way to ensure fairness to all is through a public meeting where all parties can be represented. As the EA currently stands the only representation is solely for OMP, PECO, the applicant, and First Service Bank. There is no mention or credible consideration of the health and well-being of the local residents, impacts on the community, or the environment within the EA.

### Comment 130

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 14 the applicant states that alternative locations, designs, and projects are not available. This requires a detailed clarification and a full listing of those projects, locations, and designs not available. Statement reflects the bias towards poultry CAFOs. Not an acceptable statement as all other area residents are not poultry producers. If this were the only way to live in this area all other residents would have to operate similar facilities – they do not.

### Comment 131

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 15 the applicant states that the project site is located as far from the public road and neighboring residences as possible. False Statement. The project is quite

the opposite, it is located as close to the road and neighbors as possible. Statement is invalid and must be rejected. Any questions, just look at an area map.

### Comment 132

On the USDA Form RD 1940-20 the applicant states in Exhibit 1, Item 16(b) the applicant states that a Nutrient Management Plan has been applied for and will be completed after project is in operation. This is totally unacceptable as neighboring residents are not afforded the opportunity to review the plan for determination of risks to the community. The statement goes further to state that the poultry litter from this facility will be different from all other poultry litter and will require a non-standard plan for managing the waste as the NMP cannot be developed until the litter is tested. Now with all of the poultry CAFOs in IZard and Sharp Counties one could reasonably expect that the poultry litter and dead birds would be the same. Evidently this is not the case. To operate the facility for some period during startup without a plan to manage waste is totally unacceptable and it is demanded that the CNMP be provided for public review. This is clearly an attempt to withhold critical information from the review process and allow noted impacts from the facility to affect the local residents without oversight or regulation.

### Comment 133

On the USDA Form RD 1940-20 the applicant provides in Exhibit II an illegible copy of something from Google Earth. Since it is illegible it must be provided in the quality required by regulation (pointed out earlier in this document).

### Comment 134

The EA make no mention of disease vectors introduced into the local community as a result of the proposed project. There are a large number of instances where integrators are forced to intervene for the control of flies. Flies are carriers of more than 100 human and animal pathogenic organisms which affect the human population, wildlife species, farm animals, and domestic animals. Flies are natural carriers of pathogens, including food-borne disease agents, and can be important in spreading viruses, fungi, bacteria, and protozoa. The magnitude of the fly problem has been totally dismissed by the FSA and applicant when there is sufficient historical knowledge and documentation of a significant health threat to the community posed by the proposed project.

Fly distribution surrounding CAFOs is known to average more than four (4) miles and all of the local community residents are within a one-mile radius where 60 – 80% of flies will disperse. Fly infestations will again render outdoor properties unusable, subject the local citizens to vector borne pathogenic organisms as well as adversely affect both farm and domestic animals.

The pestiferous fly species of most concern are muscoid flies, filth flies, or synanthropic flies that capitalize on food, waste, and habitats created by agricultural and other human activities and are closely associated with disease transmission, nuisance, and animal health.

- Muscidae House fly, stable fly *Musca domestica* L., *Stomoxys calcitrans* L.
- Fanniidae Little house fly *Fannia canicularis* (L.)
- Muscidae Black garbage fly *Hydrotaea aenescens* (Weidemann)
- Sarcophagidae Flesh flies *Sarcophaga* spp.
- Calliphoridae Blow flies *Lucilia* spp., *Phaenicia* spp., *Phormia regina* (Meigan)
- Calliphoridae Cluster flies *Pollenia rudis* (Fabricius)

There is no mention of other disease vectors associated with poultry CAFOs such as rats and mice which are of significant concern.

Additionally, the control of these disease vectors is another issue. The EA states no toxic substances will be used, so it is requested that how the controls will be effectively achieved be fully explained.

### Comment 135

The EA contains very limited mention and no data regarding construction of the CAFO. There is no mention of the airborne particles generated by the action and how it will impact the local residents and their properties. Construction of the facility will irreversibly alter the landscape, pose irreversible harm to the surrounding businesses and farms, and significantly degrade the quality of life for the community's residents.

A number of similar projects in some of the surrounding counties have resulted in substantial siltation and waterway alteration of nearby waterways. Given that this is a probability rather than a possibility the risks to the local community are imminent should construction begin.

There is no mention of the drainage patterns within the proposed project area or current slope of the property. There is no data on the amount of land disturbance, excavation, fill requirements or other construction details which can be evaluated by residents for impacts to surrounding land uses.

No setbacks have been identified and no scaled drawing other than crude markings are provided for the public to see exactly where the project site is.

The applicant and agency (FSA) have failed to provide adequate information regarding the construction process as well as the operational processes which will adversely affect the local community.

Failure by the FSA to fully investigate claims by the applicant or to perform due diligence assessments of the actual proposed project location has already caused undue stresses within the community and its residents.

### Comment 136

There is no reference of use of veterinary pharmaceuticals at the facility, which are likely to enter the environment from the poultry litter, and also remains in the poultry (e.g. antibiotics, roxarsone which is a carcinogen). These have a high probability of entering the surrounding environment and via karst topography the only drinking water source for the community (shallow wells and springs). Further, the introduction of pharmaceuticals into the adjacent waterways will adversely impact the current ecosystem which as noted within the comments is an extraordinary water resource.

Respectfully submitted this 31<sup>th</sup> day of March, 2016



Curtis Middleton  
CEO Arkansas Rights Koalition  
P.O. Box 121  
Evening Shade, AR 72532  
ceo@arkoalition.org

cc: file

Attachments:

- Attachment 1 Programmatic Environmental Assessment – FSA Direct Farm Loan Programs Streamlining  
Source: USDA  
Date: February 2003  
Pages: 86
- Attachment 2 2014 NATIONAL Wetland Plant List  
Source: US Army Corps of Engineers  
Date: 2014  
Pages: 186
- Attachment 3 Impact of CAFOs on Rural Communities  
Source: John Ikerd – Professor Emeritus of Agricultural & Applied Economics University of Missouri Columbia  
Date: July 26, 2008  
Pages: 4
- Attachment 4 The Questions Rural Communities Should Ask About CAFOs  
Source: John Ikerd – Professor Emeritus of Agricultural & Applied Economics University of Missouri Columbia  
Date: April 01, 2006  
Pages: 11
- Attachment 5 Wetland Delineation Manual  
Source: US Army Corps of Engineers  
Date: January 1987  
Pages: 143
- Attachment 6 Physical, Chemical and Biological Assessment of the Strawberry River Watershed  
Source: Arkansas Department of Environmental Quality  
Date: 2001 - 2003  
Pages: 292
- Attachment 7 Rivers, Trails, and Conservation Program – Arkansas Segments  
Source: National Park Service Department of the Interior  
Date: 2016



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- Pages: 26
- Attachment 8 Buffalo River Watershed Alliance vs Department of Agriculture Slip Copy  
Source: Thompson Reuters – Westlaw Next  
Date: 2015  
Pages: 5
- Attachment 9 CAFOs and Environmental Justice  
Source: Environmental Health Perspectives  
Date: June 2013  
Pages: 9
- Attachment 10 Modeling Ammonia Dispersion from Multiple CAFOs Using GIS  
Source: RTI International  
Date: 2004  
Pages: 13
- Attachment 11 National Emission Inventory – Ammonia Emissions from Animal Husbandry  
Source: USEPA  
Date: 2004  
Pages: 4
- Attachment 12 Raising a Stink: Air Emissions from Factory Farms  
Source: Compilation of Studies – Sources Noted within Document  
Date: 2000 - 2003  
Pages: 12
- Attachment 13 Environmental and Health Problems in Livestock Production  
Source: Agribusiness Accountability Organization  
Date: 2007  
Pages: 8
- Attachment 14 Summary - Strawberry River Agricultural Watershed Project – Reach 2 (Piney Fork)  
Source: Izard and Sharp Counties Conservation Districts  
Date: 2006  
Pages: 1
- Attachment 15 RD Instruction 1940-G  
Source: FSA  
Date: 2010  
Pages: 140
- Attachment 16 Strawberry River Preserve Animal Species List  
Source: The Nature Conservancy  
Date: September 2003  
Pages: 6
- Attachment 17 The Ecoregions of Arkansas – Arkansas Wildlife Plan  
Source: Arkansas Game and Fish Commission  
Date: January 17, 2007  
Pages: 105

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- Attachment 18 Species of Greatest Conservation Need – Arkansas Wildlife Plan  
Source: Arkansas Game and Fish Commission  
Date: January 17, 2007  
Pages: 40
- Attachment 19 Aquatic Habitats – Arkansas Wildlife Plan  
Source: Arkansas Game and Fish Commission  
Date: January 17, 2007  
Pages: 39
- Attachment 20 Terrestrial Habitats – Arkansas Wildlife Plan  
Source: Arkansas Game and Fish Commission  
Date: January 17, 2007  
Pages: 6
- Attachment 21 Notice FLP-540  
US Department of Agriculture  
Date: June 09, 2009  
Pages: 7
- Attachment 22 Understanding Concentrated Animal Feeding Operations and Their Impact on Communities  
National Association of Local Boards of Health  
Date: 2010  
Pages: 30
- Attachment 23 Out of Sight, Out of Mind  
Source: Georgians for Pastured Poultry  
Date: 2012  
Pages: 72
- Attachment 24 Antibiotic resistance enterococci and staphylococci isolated from flies collected near confined poultry feeding operations  
Source: Science of the Total Environment  
Date: April, 2009  
Pages: 11
- Attachment 25 Antibiotic resistance enterococci and staphylococci isolated from flies collected near confined poultry feeding operations  
Source: Science of the Total Environment  
Date: April, 2009  
Pages: 11
- Attachment 26 Spread of *Musca domestica* (Diptera: Muscidae), from Two Caged Layer Facilities to Neighboring Residences in Rural Ohio  
Source: Entomological Society of America  
Date: 2005  
Pages: 7
- Attachment 27 Big Chicken Pollution and Industrial Poultry Production in America  
Source: The PEW Environment Group  
Date: 2011

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Pages: 36

- Attachment 28 Arsenic Levels in Chicken  
Source: Environmental Health Perspectives  
Date: September 2013  
Pages: 2
- Attachment 29 Environmental Assessment Jerry and Amy Tracy Version 1  
Source: FSA  
Date: 2-16-16  
Pages: 14
- Attachment 30 Environmental Assessment Jerry and Amy Tracy Version 2  
Source: FSA  
Date: 2-16-16  
Pages: 14
- Attachment 31 Environmental Assessment Jerry and Amy Tracy Version 3  
Source: FSA  
Date: 2-16-16  
Pages: 14
- Attachment 32 Roxarsone, Inorganic Arsenic, and Other Arsenic Species in Chicken  
Source: Environmental Health Perspectives  
Date: July 2013  
Pages: 7
- Attachment 33 What Do We Feed to Food-Production Animals? A Review of Animal Feed Ingredients and Their Potential Impacts on Human Health  
Source: Environmental Health Perspectives  
Date: May 2007  
Pages: 8
- Attachment 34 Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations  
Source: Environmental Health Perspectives  
Date: February 2007  
Pages: 4
- Attachment 35 Odour Influence on Well-Being and Health with Specific Focus on Animal Production Emissions  
Source: Department of Agricultural Biosystems and Technology (JBT), Swedish University of Agricultural Sciences, Alnarp, Sweden  
Date: February / September 2004  
Pages: 11
- Attachment 36 Does Animal Feeding Operation Pollution Hurt Public Health? A National Longitudinal Study of Health Externalities Identified By Geographic Shifts in Livestock Production  
Source: Agricultural and Applied Economics Association  
Date: 2009  
Pages: 15

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- Attachment 37 Iowa Concentrated Animal Feeding Operations Air Quality Study Final Report  
Source: Iowa State University and The University of Iowa Study Group  
Date: February 2002  
Pages: 221
- Attachment 38 Food animal transport: A potential source of community exposures to health hazards from industrial farming (CAFOs)  
Source: Johns Hopkins Bloomberg School of Public Health  
Date: August 2008  
Pages: 7
- Attachment 39 Arkansas Extraordinary Resource Waters  
Source: US Army Corps of Engineers  
Date: 2016  
Pages: 4
- Attachment 40 Aquatic Macroinvertebrates of the Strawberry River System in North-central Arkansas  
Source: Journal of the Arkansas Academy of Science  
Date: 2006  
Pages: 16
- Attachment 41 Karst Topography in the Arkansas Ozarks  
Source: Arkansas Natural Heritage Commission  
Date: 2011  
Pages: 4