



**Delaware EQIP for Poultry Environmental Assessment;  
Minutes of the Initial Public Meeting  
June 14, 2022  
6:30 – 8:00 EDT  
Sussex Conservation District Office  
Georgetown, Delaware**

**Date: 06/21/22**

**Presenters**

<b>Name</b>	<b>Representing</b>	<b>Role</b>
Jayme Arthurs	NRCS, Dover, DE	State Resource Conservationist
Ann Baldwin	NRCS, Dover, DE	Contract Officer Representative
Terry Feldmann	Conservation Works JV (MSI)	Contract Admin./Ag. Engineer
Charles Harman	Wood (Sub)	Environmental (NEPA)

**Meeting Minutes**

<b>Activity</b>	<b>Comments</b>
<b>1. 6:30 Meeting Opened</b>	Meeting began with introductions by Jayme Arthurs; At the beginning of the meeting there were 7 people in attendance: <ul style="list-style-type: none"><li>• One from the Sussex County Conservation District</li><li>• 2 from DACD</li><li>• 3 farmers</li><li>• 1 reporter writing for the Delmarva Farmer</li></ul>

Activity	Comments
<p>2. Speaking to the pre-prepared slide deck, Jayme then reviewed the EQIP program and introduced the Environmental Assessment project</p>	<ul style="list-style-type: none"> <li>• Explained that NRCS was charged with piloting flexibility provided in the 2018 Farm Bill to address new and expected concerns regarding new poultry operations;</li> <li>• Explained the Environmental Quality Incentive Program (EQIP);</li> <li>• Explained how EQIP currently differentiates between new operations and existing/expanding operations;</li> <li>• Explained the concern with new poultry operations (currently not funded by EQIP) implementing temporary measures to handle mortalities and manure storage</li> <li>• Explained about the Regional Conservation Partnership Program and other sources of financial assistance.</li> <li>• Explained that the Delaware NRCS in collaboration with the NRCS Leadership and Science and Technology team required a stand-alone Environmental Assessment to support new operation applications into the EQIP Program;</li> <li>• Explained the Poultry Pilot program and identified ranking criteria for applicants; <ul style="list-style-type: none"> <li>• Signed contract</li> <li>• Must install a practice in 12 months</li> <li>• Birds must be scheduled to be placed within the first 6 months of program</li> </ul> </li> <li>• Identified eligible practices; <ul style="list-style-type: none"> <li>• Manure storage facilities</li> <li>• Animal mortality facilities</li> <li>• Heavy area use protection pads</li> <li>• Poultry wind breaks</li> </ul> </li> </ul>
<p>3. During Jamye's presentation, Michael Scuse, Delaware Secretary of Agriculture came into the meeting</p>	
<p>4. Speaking to the pre-prepared slide deck, Charles (Chuck) presented a brief outline of the Environmental Assessment process.</p>	<ul style="list-style-type: none"> <li>• Explained what the National Environmental Policy Act is and what the role of an Environmental Assessment (EA) plays in evaluating the potential impacts of a Federal action</li> <li>• Explained what the EA does and what its role is in the EQIP process</li> <li>• Described what the scope of the project and outlined the objectives of the scoping meeting.</li> <li>• Reviewed the importance of public dialogue on the scope and asked for comments from the public</li> <li>• Explained what the Public Participation Plan is and how it fits into the scoping process for this project</li> </ul>

5. Speaking to the pre-prepared slide deck, Terry outlined the rationale and the technical approach to data collection for the EA.

- Began with identifying the resource concerns that will be evaluated at locations in Sussex County as part of the process of building the EA
- Defined that the EA is based on hypothetical operational scenarios and is to be used on a programmatic basis for the EQIP program.
- Identified the size and characteristics of a typical new site
- Identified that the goal of the project is to allow new poultry producers to be able to apply for financial assistance through EQIP
- Then identified the watersheds to be potentially considered in the County
- Identified the planning schedule and noted that a follow-up public meeting would be held tentatively on or around November 16, 2022.
- Then reviewed the environmental elements (soils, wetlands, air quality, climate, etc.) that will be evaluated as part of the EA
- Then reviewed the individual site characteristics/criterion to be evaluated in the EA
- Demonstrated how the criterion would be ranked for each site and compared
- Then discussed the four elements of the alternative screening
- The two basic alternatives to be evaluated in the EA, the proposed alternative and the no-action alternative, were then described. The audience was informed that if they thought additional alternatives were needed, they were welcome to make suggestions as comments
- The practices to be used in the proposed alternative were then discussed. They included:
  - Waste storage facilities
  - Animal mortality facilities
  - Heavy use area protection
  - Windbreak/shelterbelt/ and/or hedgerow planting
  - Roofs and covers as a supporting practice
- Then outlined what the Final EA would provide and how the NRCS would use it

Activity	Comments
<p>6. Jayme Arthurs then summarized the objective of the meeting and asked for comments from the audience. He noted that there would be a 30-day comment period where people could submit their comments online or to Gayle Baker or himself. Jayme then opened the floor for questions.</p>	<ul style="list-style-type: none"> <li>• Contact information was shown on the last PowerPoint slide for Gayle Baker and Jayme Arthurs and encouraged further comments</li> </ul>
Questions/Answers/Comments	
<p>7. Secretary Scuse took the opportunity to make the first comments on the presentation and the project.</p>	<ul style="list-style-type: none"> <li>• He was complimentary of the presentation</li> <li>• However, he was very emphatic on his concern that the process of developing the program after the Farm Bill was passed in 2018 was not acceptable and he took objection to the length of time it had taken to get to this point.</li> <li>• He opined that the 4 years since 2018 continued to hurt new farmers' their new poultry operations and added new risks.</li> <li>• The existing EQIP process does not allow us to address the new or expected risks and concerns and this was why he helped craft the new language in the 2018 Farm Bill.</li> <li>• He commented that the scope of the EA was way too complicated and thought because of the large number of watersheds in the county he believed that the approach was appropriate, but the scope needed to be simplified so that the time to complete could be accelerated.</li> <li>• He did say that he would be calling the Undersecretary of Agriculture in Washington D.C. over his concerns.</li> <li>• After making his comments, Secretary Scuse got up and left.</li> </ul>
<p>8. Carol J. Kinsley then asked if the pilot project were implemented, would it take money away from those existing producers who were already in the system</p>	<ul style="list-style-type: none"> <li>• Jayme Arthurs answered that historically there was never enough money for all those that needed it and the eligibility ranking of the producers resulted in those at the bottom not receiving EQIP funding.</li> </ul>
<p>9. Carol J. Kinsley then comments that in the pictures in the presentation, then mortality structures appeared to not be very modern</p>	<ul style="list-style-type: none"> <li>• Jayme Arthurs answered that there were a number of different mechanisms / systems used for mortality management across the county / state. Some were of the older vintage, though some were of more modern types.</li> </ul>



Activity	Comments
10. There were no more questions, so the meeting was adjourned.	<ul style="list-style-type: none"><li>• Meeting was adjourned at about 8 PM.</li></ul>

# DELAWARE EQIP for POULTRY ENVIRONMENTAL ASSESSMENT

Addressing new or expected resource  
concerns from new poultry operations  
in Sussex County watersheds

Sussex County, DE

June 2022



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## Introductions

Terry Feldmann  
Conservation Works JV  
Project Administrator/  
Contract Manager

Jayme Arthurs  
USDA-NRCS  
State Resource  
Conservationist

Charles Harman  
Wood Environment &  
Infrastructure Solutions  
Environmental (NEPA)

Ann Baldwin  
USDA-NRCS  
State Conservation Engineer  
& Contracting Officer's  
Representative



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## The Program - EQIP

Delaware NRCS has been charged with piloting how to use the flexibility provided in the 2018 Farm Bill to address new and expected resource concerns on new poultry operations here in Delaware.

The Environmental Quality Incentive Program (EQIP) eligibility policy requires there to be an existing resource concern present on a farm at time of program application.



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## The Program - EQIP

Current policy differentiates between new operations and expanding operations. EQIP cannot provide assistance to new operations but it can provide assistance to expanding operations.

There is an eligibility deadline whereby planners use a screening tool to determine priority based on eligibility criteria. One of these criteria is whether birds are in the house as of the eligibility deadline. Applicants that are determined to be High Priority are then ranked and possibly funded.



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## The Program - EQIP

Unfunded EQIP applicants are often required to make temporary composters and storage facilities which are not built to NRCS standards to handle their mortalities and manure.



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## The Program - RCPP

There are other sources of financial assistance available in Delaware to assist with the installation of structural conservation practices associated with poultry production through the Regional Conservation Partnership Program (RCPP).

RCPP funds are limited and only address poultry mortality and the applicant still must have an identified or existing resource concern prior to being ranked and approved for funding.



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## Changes in the Farm Bill

The Delaware Congressional Delegation co-authored the statutory change which repeals the requirement for the existing resource concerns in the 2018 Farm Bill.

To provide the required assistance needed to address these new and expected resource concerns, Delaware NRCS in collaboration with NRCS Leadership and Science and Technology team needed to have a standalone environmental assessment (EA) completed.



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## Changes in the Farm Bill

The proposed pilot does not align with current programmatic authorities or categorical exclusions available under EQIP or the environmental evaluation process.



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## Delaware Poultry Pilot

The desired outcome of the Poultry Pilot is to allow a new poultry producer to be able to apply for financial assistance through EQIP in advance of construction of the poultry houses and or the placement of birds in those houses. The criteria for applicants that would be ranked are:

- Must have a signed contract with a poultry integrator and an approved loan for the construction of new poultry houses by an eligibility deadline;
- Must install a practice within the first 12 months;
- Birds must be scheduled to be placed in the poultry house within the first 6 months of program application deadline;



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## Delaware Poultry Pilot

Eligible practices:

- manure storage facilities,
- animal mortality facilities, heavy use area protection pads
- poultry wind breaks

All other EQIP program eligibility must be met

As the criteria above indicates the new poultry producer has already committed to becoming a producer and the pilot is not putting the producer in business. The pilot is only allowing that producer to apply for federal financial assistance for the eligible conservation practices to facilitate the proper handling of manure and animal mortalities in advance of placing birds in the new houses.



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## National Environmental Act (NEPA)

- NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.
- The project will provide a concise public document that records NRCS's decision(s) concerning a proposed action for which the agency has prepared an environmental document (and EA or EIS).



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## Objectives of this Public Scoping Meeting

- Discuss proposed project objectives.
- Outline the planning process
- Begin scoping process
- Discuss Public Participation Plan and role of public participants
- Provide a forum for public input



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## Public Participation Plan

- Ensure that the public, including private groups, and government agencies; at local, county and state levels are familiarized with the development of an environmental document for addressing new or expected resource concerns from new poultry operations in Sussex County watersheds in Delaware.
- Provide a forum for the reception and consideration of public input regarding the project. The desired input includes not only opinion, but also uncollected data.



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## Public Participation Plan

- Clarify the effects of the alternatives under consideration.
- Collect pre-existing resource data regarding the Sussex County watersheds. The data will be collected from a multitude of agencies and citizens.
- Incorporate written and verbal comments into the decision-making process.



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## Poultry Plan-ED

The proposed project seeks to consider EQIP to help address new and/or expected resource concerns resulting from new poultry operations in Sussex County by looking at hypothetical scenarios. The resource concerns include:

- Nutrients to Surface and Ground Water
- Pathogens to Surface and Ground Water
- Airborne Reactive Nitrogen
- Greenhouse Gases
- Objectional Odors
- Ozone Precursors
- Particulate Matter
- Soil Erosion and Sedimentation



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## Poultry Plan-ED

Project will consider typical new sites with between 120,000 and 160,000 broilers (poultry)

Site will consider 4 houses, 30,000 to 40,000 birds per house – approximately 8 acres



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## Poultry Plan-ED

- The goal or preferred alternative of the project is to allow new poultry producers to be able to apply for financial assistance through EQIP before the first flock is placed within identified watersheds.
- Determine if there is adequate Benefit : Cost ratio



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## Poultry Plan-ED



### Watersheds:

1. Butler Mill Branch – Nanticoke River
2. Gales Creek – Nanticoke River
3. Barren Creek – Nanticoke River
4. Tussocky Branch – Broad Creek
5. Little Creek – Broad Creek
6. North Prong Wicomico River
7. James Branch
8. Elliott Pond Branch



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## Planning Schedule

PLANNING PHASE	START DATE	ANTICIPATED COMPLETION DATE
Collection and Analysis of Information	May 2022	September 2022
Formulation and Evaluation of Alternatives	September 2022	December 2022
Preparation of Plan-EA	November 2022	July 2023

Tentative Date for Next Public Meeting: November 16, 2022



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## Planning Study

- **Programmatic Environmental Assessment (EA)**
  - Identify soils that are pertinent to the sites.
  - Identify potential wetland areas, riparian areas, and natural areas.
  - Determine historic and current land use.
  - Establish air quality concerns.
  - Identify and characterize water quality concerns.
  - Identify highly erodible cropland and characterize floodplain.
  - Characterize fish, insect, and wildlife habitat.
  - Identify Threatened and Endangered Species and critical habitats.
  - Determine topography and climate.



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## NEPA Affected Environment

### *Evaluation Areas*

- |  |   |
|--|---|
| <input type="checkbox"/> Water quality                     | <input type="checkbox"/> Fish and Wildlife Coordination Act |
| <input type="checkbox"/> Human health and safety           | <input type="checkbox"/> Floodplain management              |
| <input type="checkbox"/> Flood control                     | <input type="checkbox"/> Migratory birds                    |
| <input type="checkbox"/> Land use                          | <input type="checkbox"/> Prime and unique farmlands         |
| <input type="checkbox"/> Transportation                    | <input type="checkbox"/> Riparian area                      |
| <input type="checkbox"/> Cultural resources                | <input type="checkbox"/> Clean Water Act                    |
| <input type="checkbox"/> Endangered and threatened species | <input type="checkbox"/> Wetlands                           |



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## Site Characteristics / Criterion Evaluation

1. Proximity to urban area
2. Nearest residence
3. Distance to surface water
4. Distance to potable water/well
5. Distance to riparian area
6. Prevailing wind direction and corresponding speed
7. Predominant soil and engineering class
8. Topography
9. Climate / Weather Patterns
10. Geology
11. Wetlands
12. Cultural Resources
13. Threatened and Endangered Species (T & E)
14. Roads
15. Other?



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## Site Characteristics / Criterion

Criteria	Site #1	Site #2	Site #3	Site #4	Site #5	Site #6	Site #7
1							
2							
3							
4							
5							
6							
7							
8							
Etc.							



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## Alternative Screening

- ☐ **Completeness** - Does alternative account for sponsor's objectives?
- ☐ **Effectiveness** - Does alternative address the problems and opportunities?
- ☐ **Efficiency** - Is alternative cost effective?
- ☐ **Acceptability** - Is the alternative consistent with existing laws, regulations, and public policies?



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## Alternatives to be Evaluated

1. Poultry producers implement conservation practices/measures to address new or expected resources concerns with initial barn construction

Waste Storage Facility  
Windbreak/Shelterbelt  
Hedgerow Planting

Animal Mortality Facility  
Heavy Use Area  
Roofs and Covers

2. No Action - New Poultry producers do not implement conservation practices (delayed implementation of practices/measures).



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## Alternatives to be Evaluated



Poultry farm with conservation practices.



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## Alternatives to be Evaluated



Poultry Farm without Heavy Use Area Protection and Windbreak/Hedgerow Establishment.



Poultry Farm without Waste Storage/Animal Mortality facility or Windbreak/Hedgerow Establishment.



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## Waste Storage Facility

- Store manure, agricultural by-products, wastewater, and contaminated runoff.



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## Animal Mortality Facility

- Facility for treatment or disposal of animal carcasses.
- Reduce pollution impacts to surface water and groundwater.
- Reduce the impacts of odor.
- Decrease the spread of pathogens.



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## Heavy Use Area Protection

- Used to stabilize ground surface that is frequently used by animals and people.
- Provide a stable, non-eroding surface.
- Protect and improve water quality.



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## Windbreak/Shelterbelt Establishment and/or Hedgerow Planting

- Established using trees, shrubs, and perennial bunch grasses.
- Improves air quality by intercepting airborne particulate matter and reducing chemical drift and odor.
- Increases carbon storage in biomass and soils.
- Reduce wind erosion.



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## Roofs and Covers

- A roof structure or manufactured membrane placed over a waste management facility, agrichemical handling facility, etc.
- Protects clean water from dilution in wastewater and chemically contaminated areas.
- Improves waste management.



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## Final Plan-ED

- The Final Environmental Document (Plan-ED) will provide:
  - Description of both alternatives
  - Evaluation of Affected Environment
  - Benefit:Cost Evaluation of Alternatives
- The Final Plan-ED will be used by NRCS will be the decision-making document and the utilization of EQIP for new poultry farms.



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## Delaware Poultry Environmental Assessment

Provide Questions and Comments to:

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