



October 11, 2007

VIA E-MAIL (roger.hansen@mo.usda.gov)

Mr. Roger A. Hansen
State Conservationist
Natural Resources Conservation Service
Parkade Center, Suite 250,
610 Business Loop 70 West
Columbia, Missouri 65203

Re: NRCS's Determination of "No Historic Properties Affected" in Connection with the Gessling Farms LLC Proposal

Dear Mr. Hansen:

The National Trust for Historic Preservation (National Trust) appreciates the opportunity to participate in the Section 106 process in connection with Natural Resources Conservation Service (NRCS) EQIP financial assistance to Gessling Farms LLC. NRCS determined in its evaluation of the potential adverse effects that no historic properties would be affected by the Gessling Farm's concentrated animal feeding operation (CAFO) proposal. This letter outlines some of the National Trust's initial concerns about NRCS's determination.

1. NRCS's odor analysis model is insufficient and requires further study, including an investigation of cumulative impacts from nearby facilities.

The National Trust is deeply concerned about the premise that all invasive odors stop at 2,700 feet from the proposed CAFO site, i.e., there will be no potential for odor to impact historic sites in the National Historic Landmark (NHL) village of Arrow Rock or other nearby historic resources at all. Although we do not purport to have an expertise in modeling for odor associated with CAFO operations, we note that there are studies and reports that conflict with the study used by NRCS for calculating setback distances for this proposed CAFO.¹

Washington University School of Law, Interdisciplinary Environmental Clinic, has suggested the Minnesota OFFSET model, a more robust emissions-based model that

¹ NRCS points to A.J. Heber's paper, *Setbacks for Sufficient Swine Odor Dispersion and Dilution*, to support the distance identified for the APE.

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provides a series of Odor-Annoyance-Free Curves and also has the capacity to investigate potential cumulative effects of multiple CAFO facilities, unlike the Purdue University model. Additionally, the Environmental Protection Agency, Region 6, produced a report on CAFO odors with best management practices, concluding that odor from a swine CAFO is noticeable up to 3 miles away.² The EPA's report suggests swine CAFOs maintain at least a 4 mile distance from housing developments.³

In short, we do not believe the distance traveled by CAFO odors has been definitively addressed in NRCS's preliminary findings regarding EQIP assistance to Gessling Farms. Even the Purdue University setback model used by NRCS admits, "[v]ery little quality research data is available in the United States to develop setbacks."⁴ We are skeptical that odor will stop at 2,700 feet and wish to know why NRCS chose the Purdue University model to calculate the APE. The National Trust feels that it is the responsibility of NRCS to conduct further research into the odor issue, making use of alternative studies and models to obtain the most complete picture possible of the potential adverse effects to Arrow Rock and nearby historic resources.

2. NRCS should include the land application of wastewater from the CAFO and the potential resultant odor in establishing the APE and assessing effects on the Arrow Rock community's significant historic resources.

NRCS does not include land application of wastewater in determining the boundaries for the APE. The Missouri Department of Natural Resources (DNR) indicated that the Gessling permit application included over 1,000 acres of cropland available for land application.⁵ CAFO odors are NRCS's primary form of potential adverse effects of the Gessling proposal to Arrow Rock NHL and other historic properties. Land application of wastewater would appear to be an activity likely to adversely affect Arrow Rock and other nearby historic resources. A discussion of the adverse effects associated with land application of wastewater and specific information regarding the locations and methods by which wastewater will be applied should help to define the APE.

Additionally, it is not clear whether NRCS has considered potential indirect and cumulative adverse effects in drawing the APE boundaries. Are there activities

² U.S. EPA, Region 6, *Swine CAFO Odors: Guidance for Environmental Impact Assessment*, 5-2 at <http://www.epa.gov/region6/6en/xp/odor.pdf>

³ *Id.*

⁴ Heber, A.J. *Setbacks for Sufficient Swine Odor Dispersion and Dilution*, as included by NRCS in Appendix A of Section 106 consultation materials.

⁵ Robert Morrison, DNR, to Royce Yeater, National Trust, at 3, Sept. 8, 2007

associated with the proposed Gessling CAFO operation that may have indirect or cumulative adverse effects on Arrow Rock and other historic properties? For instance, will trucks carrying animals or wastewater pass through or near Arrow Rock or other historic properties? In light of the fact that at least 2 other CAFOs now exist within 5 miles from Arrow Rock, will there be cumulative adverse effects on Arrow Rock and other nearby historic resources from the multiple facilities?

3. NRCS's finding excludes historic resources in the vicinity of the proposed Gessling CAFO that should be thoroughly evaluated for their eligibility for the National Register of Historic Places, including the Stith House, historic Bingham Farm, and the Townsend House.

We understand there are at least 3 additional properties within NRCS's limited APE and/or near potential wastewater spreading areas that have not been evaluated for their eligibility for the National Register of Historic Places, including the Stith House, historic Bingham Farm, and the Townsend House. NRCS should evaluate whether these properties are eligible, pursuant to 36 C.F.R. § 800.4(c)(2), and whether they will be affected by the proposed CAFO. NRCS should also ensure there are no additional historic resources within the limited APE or near potential wastewater spreading areas that should be evaluated for their eligibility to the National Register.

Additionally, NRCS should also investigate potential adverse effects to Prairie Park, a National Register listed site located within 2,500 feet from proposed wastewater spreading fields; and Sappington Cemetery State Historic Site.

4. NRCS has not met the high standard mandated by Section 110 of the National Historic Preservation Act (NHPA) with regard to avoidance of adverse effects to National Historic Landmarks.

We believe it is worth reiterating that Arrow Rock NHL has been afforded the nation's highest honor for historic resources. *See* 16 U.S.C. § 470(a). Congress directed the Secretary of the Interior to designate NHLs in order "to focus attention on properties of exceptional value to the nation as a whole rather than to a particular State or locality." 36 C.F.R. § 65.2(a). An NHL designation triggers a greater responsibility to ensure that the federal agency responsible for complying with the Section 106 process, "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to [a NHL]," pursuant to Section 110 of the National Historic Preservation Act, 16 U.S.C. § 470h-2(f). It is critical that NRCS meet the more rigorous standard in determining the potential for impacts to Arrow Rock NHL.

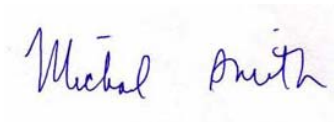
Moreover, it is clear that Arrow Rock is more than a NHL. Arrow Rock is an asset to the State and the nation not only because of its designated historic sites, but because of its pivotal role in the formation of the historic preservation movement in

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Missouri. It plays a significant role in educating Missouri's children about the importance of history, giving them an opportunity to learn about their heritage firsthand. The Arrow Rock community and the State Park also provide multiple outdoor recreational activities, including hiking and camping, and the town hosts many outdoor festivals and tours that are crucial to the public's interpretation and appreciation of Arrow Rock. Adverse effects from the Gessling CAFO could jeopardize this very unique historic resource that welcomes approximately 130,000 visitors per year, and could have far-reaching impacts on the continued economic vitality of Arrow Rock and the surrounding community.

In closing, the National Trust requests that NRCS study the potential impacts of the Gessling CAFO on Arrow Rock and other significant historic properties in greater detail prior to drawing conclusions on adverse effects. We look forward to continuing our participation in the Section 106 process and working with NRCS and the other consulting parties to discuss this issue in greater detail. We believe this consultation is vitally important given the significance of Arrow Rock and other nearby historic sites to the State of Missouri and the nation.

Respectfully submitted,



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Assistant General Counsel



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