



November 6, 2007

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

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

Re: Second NTHP Letter on 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 appreciates the opportunity to participate in the Section 106 consultation for the proposed Gessling Concentrated Animal Feeding Operation (CAFO) near Arrow Rock, Missouri, a National Historic Landmark (NHL). This letter is a follow-up and expansion of our initial concerns raised during the consulting party meeting in Columbia, Missouri on October 11, 2007 and in our written comments submitted via email on that date.

As we emphasized during the consulting party meeting, determination of the Area of Potential Effect (APE) is a crucial step in the Section 106 process. The APE establishes the geographic boundaries within which mitigation measures will be considered for historic properties that may potentially be adversely affected. The APE step is important in cases that involve the "[i]ntroduction of visual, atmospheric or audible elements that diminish [an historic] property's significant historic features," e.g., odor and airborne pathogens (36 C.F.R. § 800.5(a)(2)(v)). This is especially true for this proposed CAFO because there appears to be differing scientific opinions and models as to the distance odors and airborne pathogens can travel from CAFO facilities, as was made very clear by NRCS and Washington University School of Law Interdisciplinary Environmental Clinic at the consulting party meeting. NRCS should be particularly cognizant of this fact, making every effort to define a large enough APE sufficient enough to cover the entire area that has the potential to be affected by odor and/or airborne pathogens and other atmospheric elements. This will ensure that historic properties in and around Arrow Rock NHL are evaluated for potential adverse effects and mitigation measures are thoroughly and seriously considered.

Protecting the Irreplaceable

MIDWEST OFFICE

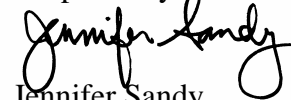
(312) 939-5547 • FAX (312) 939-5651 • <http://www.nationaltrust.org>
53 West Jackson Boulevard, Suite 350, Chicago, IL 60604
Serving: IL, IN, IA, MI, MN, MO, OH & WI

Mr. Roger A. Hansen
Natural Resources Conservation Service
November 6, 2007
Page 2

Importantly, should NRCS define an APE that is ultimately too small to encompass adverse effects resulting from the CAFO operation, as we believe is the case with regard to the currently proposed APE, the risk to historic resources such as Arrow Rock and other nearby historic sites is significant. Once NRCS approves funding and the Gessling CAFO is constructed, NRCS will no longer be able to require the CAFO operator to mitigate adverse effects to the Arrow Rock NHL, Arrow Rock State Historic Site, other nearby historic properties, or the resident and visitor experience associated with those resources. NRCS's statement in the preliminary finding of no adverse effect, which notes "[i]f, after the proposed swine farm CAFO is in operation and there is an identified odor or adverse effect to the Arrow Rock NHL that can be traced directly to the CAFO, then odor reducing technologies could be applied," has no merit and is legally unenforceable (NRCS Preliminary Report, pg 6). For this reason, it is absolutely critical that NRCS define an APE large enough to cover the distance odor and/or airborne pathogens may potentially travel, as a means of ensuring that the APE captures all historic properties that may potentially be adversely affected, so that alternatives to avoid, minimize or mitigate those effects can be considered now, while NRCS retains control of project funds. Alternatives to avoid, minimize or mitigate potential adverse effects would be outlined as part of a "memorandum of agreement" and would become a binding part of NRCS's funding to the proposed CAFO operator.

In closing, the National Trust strongly recommend that NRCS conduct further research into the odor issue, making use of alternative models and studies to obtain the most complete picture possible of the area of potential effect. We appreciate the opportunity to express our concern for this nationally significant historic area that plays an important role in Missouri's heritage tourism industry, educational programs, and recreational activities, and we look forward to continuing our participation in the Section 106 process.

Respectfully submitted,



Jennifer Sandy
Program Officer, Midwest Office

cc: Kathy Borgman, Executive Director, Friends of Arrow Rock
Barbara Fitzgerald, Executive Director, Missouri Preservation
Susan Flader, Missouri Parks Association
Rachel Franklin-Weekly, National Park Service, Midwest Region
Ted Heisel, Washington University School of Law
Mark Miles, Director, Missouri State Historic Preservation Office
Mike Smith, National Trust for Historic Preservation
Matt Thomas, Advisory Council on Historic Preservation