

**Charles J. Bitting  
HC 73, Box 182-A  
Marble Falls, Arkansas 72648**

January 26, 2016

C&H Hog Farms EA  
c/o Cardno, Inc.  
501 Butler Farm Road  
Suite H  
Hampton, VA 23666

Sent via electronic mail to: [CHHogFarmComments@cardno-gs.com](mailto:CHHogFarmComments@cardno-gs.com)

Dear Sir/Madam:

I am writing this letter to lodge my complaints regarding the Final Environmental Assessment and Draft Finding of No Significant Impact documents for C&H Hog Farm, Inc. I have read both documents in great detail and find both to be woefully lacking. The EA fails to deliver the "hard look" as required by Judge D. Price Marshall. In my opinion, it is still "capricious and arbitrary". The FONSI, which is based upon this EA is like a house built on sand. It will soon crumble and fall to the ground. My comments could easily run into twenty or more pages plus literature citations. I will reserve the majority of comments and focus on the issues I believe are most important. I will discuss the EA primarily as it is the foundation for the FONSI.

The term "arbitrary and capricious" deals with decisions that are made where there is no rational connection between the facts and the choice. The EA shows clear errors in judgement by cherry-picking the data presented simply to support the preconceived outcomes. This after reams of data were provided to the federal agencies during the public review of the EA. The result is a FONSI which shows an abuse of the discretion given to the FSA and SBA by Congress and the people.

The EA only has a single alternative. The EA says there are two alternatives, but the potential impacts of each of the two alternatives are identical, so in reality there is only one alternative analyzed. That alternative is to allow C&H Hog Farm to retain their operation, even though the loan guarantees were given in violation of federal laws to protect citizens and the environment. The EA did not take into account the impacts, perhaps irreversible the loan guarantees caused. prior to the order from Judge Marshall. The EA did not even take into account the impacts on the environment should the loan guarantees be pulled. The loan guarantees were necessary for C&H to be established as the owners did not have enough collateral to get reasonable financing through normal commercial means. FSA and SBA stepped in, at the request of the Henson and Campbell families, to guarantee the notes. A banker who did not require the adequate collateral for a commercial loan of this magnitude would be remiss in his or her duties. If the loan guarantees are extinguished permanently, the Campbell and Henson families would have to come up with a commercial loan, or some other arrangement to pay the

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debt. Unless the families have come up with additional property for collateral, they would most likely have to pay a higher interest rate as their loan would instantly become more risky. They might also have to pay a mortgage insurance premium on top of the additional interest payment. This would likely cause cash flow problems with the operation. Typically, when a company gets into cash flow problems they will cut corners with worker and environmental safety. I expect this would be the outcome of the so called Alternative A. Why was this not explained in the EA? Unfortunately, Alternative B is not any better, because the analysis of data was woefully lacking here also. The entire EA should be better than it is.

Nearly all religions of the world have a moral compass which is commonly known as the Golden Rule. Since I am not sure your agencies have ever heard of this, I will summarize it for this situation as "Treat your neighbor as you would like them to treat you." When our neighbor is putting a large hog factory near us, and does not seem concerned that we object to polluted water and air, they are not following the Golden Rule. We have to wonder if they share this moral compass, or are guided by another compass. This question only becomes more imperative when we observe the false statements, significant errors in the Nutrient Management Plans, and continuous shell game that has been the norm where C&H Hog Farm is concerned.

The National Environmental Policy Act of 1969, as amended, (Public Law 91-190) was established to "encourage harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation,; and to establish the Council on Environmental Quality." The law established six important points which need to be considered in any environmental planning document, such as this EA, in Section 102(b). These need to be reiterated, so here they are with the most applicable sections underlined:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

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6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

We are the trustees of the environment for future generations. This is a very important piece of NEPA that is often forgotten in the process of developing these documents. We are bound by a legal obligation to treat the environment in such a way as to avoid diminishing it for future generations.

We are required to assure safe, healthful, productive, and aesthetically pleasing surroundings. I could have worked and settled anywhere, but chose to live in the Buffalo River country as it is exceedingly aesthetically pleasing to me.

- The EA fails to adequately address issues related to the health and safety of neighbors to this facility where millions of gallons of raw sewage are spread on the surface of the ground every year.
- The EA fails to adequately address issues related to the health and safety of those of us who recreate and/or work along the river and creeks. How is this raw sewage supposed to stay on the land when rains carry it down to the streams?
- The EA fails to adequately address issues related to the health and safety of area residents who rely upon springs, creeks, and wells for their domestic water supply and the water supply for their livestock and other animals. How is this raw sewage supposed to stay on the surface when it is applied to fields underlain by karst? How does someone know if a water supply has become contaminated? The EA did not use data from dye tracing. The EA claims the area is not karst. The EA was wrong to ignore these data and was wrong to deny the myriad of karst features present on the landscape where this raw sewage is land applied.
- The EA fails to assess the impacts of this activity upon the aesthetics of the area. When the pretty streams with clear water and fairly clean gravel bottoms become choked with algae the aesthetics will be damaged. When I can smell hog waste at my home which is eight air miles from the hog factory, the aesthetics have been damaged. The EA does not treat water and air pollution adequately
- The EA fails to preserve important natural aspects of our National Heritage. Just a short distance (5.8 miles) downstream of the hog factory is America's First National River. The Buffalo River is indeed an important cultural and natural aspect of our joint National Heritage. The EA does not treat it as so. The EA does not use pertinent data that are showing degradation as Big Creek enters the Buffalo River. These data include anomalously high E. coli readings, and daily swings of dissolved oxygen which put the creek out of compliance with regulations designed to protect aquatic life.
- The EA fails to consider the impacts of the hog factory upon neighbors and others who rely upon the National resources of the Buffalo River to permit them a high standard of

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living. The EA fails to consider impacts to tourism. The EA fails to consider impacts to neighboring farm operations.

For all these reasons and more, the EA is an absurd effort by FSA and SBA to justify the illegal loan guarantees.

The EA fails to adequately address issues of “Significance” as described in 40 CFR Section 1508.27 parts (b(2)), (b(3)), (b(4)), (b(8)), and (b(9)).

The EA fails to present an “Environmentally Preferable Alternative”.

The EA tries to dismiss karst. The company which developed the EA clearly has very little experience or understanding of karst. As someone who has been studying karst for nearly 40 years, allow me to explain some of the more egregious errors.

- The Boone Limestone is considered karst everywhere it outcrops. It consists of roughly 400 feet of limestone and chert. Because of continental stresses which this unit has been subjected to since it was deposited, the limestone has at least two distinct fracture sets. These fractures are vertical to sub-vertical and were created by the compression and extension of the Earth’s crust during the past 300 million years or so. The joint sets in the area are generally a SW to NE and SE to NW set of orthogonal fractures and a second set of generally N to S and E to W orthogonal fractures. Additional fractures may exist which are related to local rather than regional stresses as a result of small scale faulting and folding.
- The two orthogonal joint sets common in the Boone in this area provide ample opportunity for surface water to percolate or flow down to the ground water table. These fractures also provide preferential areas for cave passage development. Caves in the area generally follow these preferential pathways.
- The abundance of chert in the Boone limestone results in what is known as a “chert regolith mantled karst” These type of karst terrains often do not show sinkholes on the surface as are seen in other karst areas. This does not mean they are not karst areas.
- The large number of streams with descriptive names such as “Dry Fork”, “Dry Branch”, “Dry Creek”, “Spring Creek”, “Spring Branch”, “Cave Creek”, etc. in the area all point to the strong relationship between surface water and ground water. Any competent karst geologist or karst hydrologist looking at USGS topographic maps of the area would immediately recognize the likelihood that this is a karst area. A short Google search and a review of the Arkansas Geological Survey 2015 geologic quadrangle map for Mt. Judea would seal the deal.
- There have been a substantial number of dye traces in the general area over the past 30+ years. Many of these have been published. The dye traces conducted by Brachana, Kosic, and others in Big Creek were ignored, even though they had been pub-

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lished, and considerable data was given to the federal agencies in the initial review of the EA.

- The Electrical Resistivity Imaging data for Field 12 showed a large doline (sinkhole) buried under the colluvium and alluvium of the field. The primary investigator, Dr. Todd Halihan, is a noted karst geologist who has used these techniques to help understand the ground beneath our feet. These data were marginalized by the EA.
- Numerous caves exist in the area. Had the federal agencies asked, I am confident the other land management agencies in the area would have provided them some idea of the degree of karst development in the Big Creek watershed. Unfortunately, the FSA and SBA did not take their responsibilities seriously.
- The EA fails to do an adequate job of considering the impact of the operation upon taxa listed as candidate, threatened, or endangered pursuant to the Endangered Species Act. The Biological Assessment was deeply flawed. The review by USFWS appears to be cursory.

**Summary:**

The EA as the foundation for the FONSI is deeply flawed, capricious and arbitrary. The FONSI is weak as it stands upon a very shaky foundation. The documents should be remanded back to FSA and SBA so they can conduct a full Environmental Impact Statement, or the loan guarantees should be extinguished permanently. I am very disappointed in the federal agencies who stand behind this laughable set of documents. I believe there is a great deal of controversy in the effects to the human environment from this action.

Sincerely,

/s/ Charles J. Bitting