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Conservation Groups Notify USDA of Violations of Law Regarding Industrial Swine Facility in the Buffalo National River Watershed

Animal waste from factory farm could jeopardize endangered species, contaminate America's first national river

Mount Judea, Arkansas—A coalition of conservation and citizen groups sent a notice of intent to sue today to the U.S. Department of Agriculture regarding its Farm Service Agency's loan guarantee for an industrial 6,500-pig swine facility on the banks of a tributary that flows straight into the Buffalo National River – an action that was not properly examined and may violate the Endangered Species Act. The facility, C&H Hog Farms, is under contract with Cargill, an international producer and marketer of agricultural products.

Designated in 1972 by President Richard Nixon as America's first national river, the Buffalo National River travels freely for 135 miles and is one of the few remaining undammed rivers in the lower 48 states. The river watershed is home to over 300 species of fish, insects, freshwater mussels, and aquatic plants, including the endangered snuffbox mussel, the endangered Gray bat, and the endangered Indiana bat. A popular camping, canoeing, and fishing destination, the Buffalo National River attracts more than one million visitors a year.

“This factory farm will produce massive quantities of waste just six miles from the Buffalo River, and that waste will be spread on land that is right next to one of the Buffalo's major tributaries,” said Emily Jones, Senior Program Manager, Southeast Region at National Parks Conservation Association. “We are talking about one of the most beautiful areas in the country. To think that our government would allow this hog factory in the watershed without examining its impacts is unconscionable.”

C& H Hog Farms received a loan, 90 percent of it guaranteed by the FSA, for the purchase of 23.43 acres of land in Mount Judea, Arkansas, and for construction of two barns. The barns would house an estimated 6,500 pigs, making it by far the largest of six existing swine farms in the Buffalo River Watershed. Plans are to spread the estimated two million gallons of waste produced by the C&H facility on seventeen fields totaling

630 acres. Eleven fields are adjacent to Big Creek, a large tributary of the Buffalo National River.

"This is the greatest threat to the Buffalo River since the Corp of Engineer's dam proposal that we were able to thwart 50 years ago," said Robert Cross, president of the Ozark Society. "The porous limestone and karst that underlies all of the soil in the Mt. Judea region provides a direct passageway for leakage from the waste holding ponds and for untreated recharge from the waste application fields to reach the groundwater and thus Big Creek and the Buffalo River. The risk for contamination of the Buffalo River is unacceptably high."

The C&H facility's loan and guarantee were issued in the summer and fall of 2012. Because of a failure to notify local residents, however, the community in and around Mount Judea did not find out about the facility's construction until this year. The lack of adequate public notice is just one of a number of egregious failures on the part of the state and federal government to ensure that this facility will not have detrimental impacts on the exceptional natural resources of the Buffalo River watershed.

"The letter we are sending today is a notice to the Department of Agriculture that its Farm Service Agency failed to undertake the consultation that is required to ensure that endangered species are not harmed as a result of the agency's action," said Hannah Chang, an attorney with Earthjustice, a public interest law firm representing the groups.

"Our aim is to prevent this farm from going forward without a thorough examination of the consequences – consequences that could result in irreversible damage to one of America's most treasured places, the Buffalo National River," said Jack Stewart of the Buffalo River Watershed Alliance.

Earthjustice and Earthrise are representing the Buffalo River Watershed Alliance, the National Parks Conservation Association, and the Ozark Society in sending the notice of intent to the USDA.

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