



**Executive Summary of Guardians Position on Construction and Operation of a Grassfed Beef Meat Processing facility at Chancey Bay Ranch in Western Martin County, FL  
November 21, 2025**

In early 2025, the Guardians of Martin County (Guardians) became aware that the Florida Department of Agriculture and Consumer Services (FDACS) had recently determined that construction and operation of a commercial meat processing facility at Chancey Bay Ranch (CBR) in northwestern Martin County would not be subject to review and approval by Martin County.

While necessary, meat processing facilities have the potential to be nuisances and significant sources of water, noise, and air pollution and disease vectors.

Soon after learning of the proposed project, the Guardians sought to learn more about the proposed facility and related activities in order to determine potential impacts on the environment and growth management. When it became apparent that comparatively little information about the project was available through normal inquiries, the Guardians requested information about the project through a Freedom of Information Act (FOIA) request to FDACS, while simultaneously researching environmental effects of similar projects located elsewhere.

Although the Guardians reserve the right to modify this position paper as new information becomes available, the attached Draft position paper identifies the current status of the results of this research, and identifies issues associated with the facility in the following thematic areas:

**Legal Authority:** The Guardians have identified three critical legal questions regarding the proposed project: 1) Whether Florida law permits slaughterhouse operations to qualify for agricultural exemptions under Right to Farm Act; 2) What legal weight do agency general counsel opinions carry, and who, if anyone, is bound by such opinions?; and 3) Whether FDACS has direct regulatory authority over meat processing plants, or does this authority rest with the USDA?

**Environmental Issues:**

- **Water Use/Water Withdrawal** – the proposed facility has been permitted by the South Florida Water Management District (SFWMD) to withdraw 6.7 million gallons per year from Florida’s surficial aquifer for 20 years, in spite of the surficial aquifer in much of Martin County being subject to varying levels of saltwater intrusion and all of Martin County being designated by SFWMD as a Water Resource Caution Area;
- **Water Quality/Pollution** – the proposed facility is a new source of potential pollution in a watershed that is presently designated as “Impaired” due to elevated concentrations of Phosphorus and Nitrogen; No evidence of Effluent Limitation Guidelines, an NPDES permit or water quality monitoring have been found.

- **Potential impacts on flora and fauna** – if the proposed project is exempted from Martin County ‘s review, the County’s inability to require a Preserve Area Management Plan (PAMPs) would result in greater environmental impacts than if the project was required to meet the requirements of Martin County’s Comprehensive Growth Management Plan and Land Development Regulations; and
- **Equity and Social Justice** – the proposed facility is a potential new source of pollutants near one of Martin County’s lowest income and most ethnically diverse communities.

The Guardians have reviewed publicly-accessible information regarding meat processing facilities in general, the Chancey Bay Ranch proposal in particular, and other pertinent information, and has determined that, in our opinion, Martin County has the legal authority and responsibility to ensure that the proposed project is designed, constructed and operated in a manner that complies with existing county regulations. As described hereafter, because the proposed facility is likely to involve the transportation of large numbers of cattle onto Chancey Bay Ranch the purpose of grazing and an adjoining property for meat processing, the Guardians believe that Martin County not only has the authority, but also the responsibility to analyze effects of the project on traffic, water and air quality, public health and other related concerns in order to ensure the operations meet the requirements of the County’s Comprehensive Growth Management Plan and Land Development Regulations.

The Guardians recognize the need for meat processing facilities, and are not necessarily opposed to the proposed facility.

We believe that with adherence with Federal, State and local (i.e., Martin County’s CGMP and LDRs) requirements, the operation can be designed, constructed and operated in a manner that does not create a nuisance nor result in unacceptable adverse impacts.

Lacking the ability by Martin County to exercise its authority over the proposed facility, the County’s residents and visitors are at the potential risk of increased exposure to water-related problems and other nuisances.

Until the fundamental legal questions identified described more thoroughly in Appendix 1 are resolved through independent analyses, the Guardians believe that Martin County should proceed with its comprehensive development review process under its established regulatory authority.

The questions raised by FDACS's opinion, combined with the apparent evolution in county legal positions, are significant enough to warrant thorough independent legal research before any county regulatory authority is relinquished.

# Guardians of Martin County White Paper on proposed Chancey Bay Ranch and Meat Processing Facility

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## Acknowledgements

The Guardians of Martin County appreciate the thoughtful input from various conservation colleagues who reviewed previous drafts of this paper, including representatives from the Center for Biological Diversity, Florida Oceanographic Society, the Florida Wildlife Federation, Friends of the Everglades, 1000 Friends of Florida, the Martin County Conservation Alliance, Vote Water and others.

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## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### List of Acronyms and Abbreviations

BMAP	Basin Management Action Plan
BMPs	Best Management Practices
CBD	Center for Biological Diversity
CBR	Chancey Bay Ranch, aka Florida Grassfed Beef
CGMP	Martin County's Comprehensive Growth Management Plan
FDACS	Florida Department of Agriculture and Consumer Services
FDEP	Florida Department of Environmental Protection
EPA	United States Environmental Protection Agency
ELG	Effluent Limitation Guidelines
Guardians	Guardians of Martin County
LDRs	Martin County's Land Development Regulations
NGO	Non-Governmental Organization
ORCA	Ocean Research Conservation Association
PAMP	Preserve Area Management Plan
PFAS	Per- and polyfluoroalkyl substances
PFOS	Perfluorooctanesulfonic acid
RAA	Resource Allocation Area
SFWMD	South Florida Water Management District
SLE	St. Lucie River Estuary
STA	Stormwater Treatment Area
UEC or UECWSP	Upper East Coast Water Supply Plan
UF-IFAS	University of Florida's Institute of Food and Agricultural Sciences
USDA	United States Department of Agriculture
USGS	United States Geological Survey
TMDLs	Total Maximum Daily Loads
WRCA	Water Resource Caution Area

# Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

## I. Background and Introduction

Martin County stands out from other counties in southeast Florida as a low-density, economically, environmentally, and socially responsible place to live, work and recreate. Part of what has created this comparative oasis amid increasingly intensive urbanization, traffic congestion and threats to quality of life, is the fact that Martin County's residents have consistently elected county commissioners who stand firm in upholding the County's award-winning Comprehensive Growth Management Plan (CGMP) while simultaneously seeking to enhance economic and social conditions.

After the Guardians became aware that the Florida Department of Agriculture (FDACS) had determined that the construction and operation of a grassfed beef meat processing facility that has been proposed in northwestern Martin County, is exempt from complying with Martin County's CGMP and Land Development Regulations (LDRs), they began investigating various aspects of the proposed project.

As the sole local non-profit organization in Martin County focused on growth-management and responsible growth, the Guardians first query was focused on the extent to which the facility would need to adhere to the existing CGMP and/or require amendments to it. We found that the proposed project is outside Martin County's Urban Service Districts, and is within the Lake Okeechobee watershed, an area where existing water quality has been compromised to such an extent as a result of alterations to natural run-off and changes in land use that it has been designated as an "Impaired". (It is noted, however, that, to address this deficiency, the SFWMD has constructed a Stormwater Treatment facility known as the Lakeside Ranch STA<sup>1</sup> on approximately 2,750 acres of property adjoining and to the north of the proposed meat processing facility and cattle ranch).

Due to their potential to be significant sources of pollution and disease, meat processing facilities in the United States are a highly-regulated industry, being regulated to varying extents by federal, state and local governments.

At the federal level, the U. S. Environmental Protection Agency (EPA) and the Departments of Agriculture, Revenue, and/or Commerce each have authority and the responsibility to regulate various aspects of meat production, processing and distribution.

At the state level, Florida's Departments of Agriculture and Consumer Services (FDACS), Environmental Protection (FDEP) and water management districts have the authority and responsibility to regulate various aspects of meat production and distribution and water-related activities, respectively. Additionally, the Florida Right to Farm Act (824.13 F.S.)<sup>2</sup> was established in 1979 and has played a key role in protecting the viability of Florida agriculture. In adopting this Act, the Florida Legislature found that:

"Agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state."

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

In its description of the protections provided to farmers in Florida, the University of Florida's Institute of Food and Agricultural Sciences (UF-IFAS) indicates "... that the right to farm defense is available to more farms than just the "bona fide agricultural operations" defined in the Greenbelt Law (Thomas et al., 2021). According to the Florida Greenbelt Law, a "bona fide farm operation" is a farm operation that is engaged in good faith commercial agricultural use of land on land that has been classified as agricultural (Florida Statute 193.461(3)(b)).

This description is critical in that, while the agricultural operations on the ~2,750 acre Chancey Bay Ranch may be covered pursuant to the Florida Right to Farm Act, the conversion of 26.06 acres of the property is, in the Guardians' opinion, a commercial operation, which is not subject to the protections of the Right to Farm Act.

At the local level, counties, and/or municipalities are charged with ensuring that proposed developments comply with applicable local regulations.

In early 2025, the Guardians of Martin County became aware that the FDACS had determined that the conversion of part of an existing cattle ranch into a commercial meat processing facility, and which has the potential to be the most intensive meat processing facility in Florida, complies with the Right to Farm Act, and that Martin County does not have the authority<sup>3</sup> (Appendix C) to review plans for the proposed facility and/or to ensure that the proposed project meets the County's CGMP and LDRs.

Construction projects in unincorporated Martin County require compliance with Martin County's CGMP and/or applicable Land Development Regulations (LDRs), unless otherwise exempt. Various information (e.g., description of the proposed project, site plans, engineering specifications, information on drainage, environmental conditions, etc.) concerning proposed projects is required to be transmitted to Martin County in order for the County to determine if a proposed project is exempt from County regulations, or, if not exempt, what type of permits (e.g., building permits, land clearing, drainage, etc.) are required prior to initiation of construction.

The proposed grassfed beef grazing and meat processing facility is outside Martin County's Urban Service District, and is within an area where existing water quality has been compromised as a result of alterations to natural run-off and changes in land use. It is noted that the South Florida Water Management District (SFWMD) has constructed a Stormwater Treatment facility known at the Lakeside Ranch STA on approximately 2,500 acres of adjoining property to the north.

In its Fact Sheet on the Environmental Impacts of Slaughterhouses<sup>4</sup> (Appendix A) the Center for Biological Diversity (CBD) identifies Water Use, Pollution, Species Endangerment, Equity and Justice, and Lack of Environmental Regulation as key issues that should be considered both during upgrades of existing facilities and during the siting, design and management of new meat processing facilities.

The Guardians have examined the extent to which the Grassfed Beef Processing Facility that is proposed for northwestern Martin County specifically addresses legal and the key issues identified in the Center for Biological Diversity's paper, each of which is described hereafter.

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### II. Legal Issues

The Guardians review of legal issues associated with FDACS Agricultural Exemption has resulted in the identification of three separate but interconnected questions, as follows:

- 1) *Whether Florida law permits slaughterhouse operations to qualify for agricultural exemptions under the Right to Farm Act?*
- 2) *What legal weight do agency general counsel opinions carry, and who, if anyone, is bound by such opinions?*
- 3) *Whether FDACS has direct regulatory authority over meat processing plants, or does this authority rest with the USDA?*

A more thorough explanation of these issues is included as Appendix 1 of this report.

#### **Recommendation:** Independent Legal Review

These converging questions (i.e., processing exclusions, agency authority, regulatory gaps, and constitutional concerns) demand independent analysis.

On July 23, 2025, the Florida First District Court of Appeal decided *Gartman v. Southern Tactical Range, LLC*, Case No. 1D2022-3567, striking down a statute granting shooting ranges immunity from nuisance lawsuits. The court found this violated neighboring property owners' constitutional right of access to courts—a principle protected since Florida's founding in 1838. *Gartman* raises serious concerns about FDACS's exemption claims for CBR. Just as the shooting range statute eliminated nuisance remedies without justification, FDACS's position could deny neighboring property owners their constitutional right to seek redress, and the recent *Gartman* decision underscores the constitutional stakes when government eliminates traditional legal remedies.

The current Martin County Board of County Commissioners deserves independent legal review to verify FDACS's authority, analyze processing exclusions under *Kluger v. White*, 281 So. 2d 1 (Fla. 1973), and assess constitutional implications.

The constitutional right of access to courts cannot be surrendered based on questionable agency interpretations. Independent review ensures any decision rests on solid constitutional foundation rather than agency overreach.

Given the complexity of these jurisdictional and authority questions, and the apparent evolution in legal positions during the review process, the Guardians urge the Board of County Commissioners to consider requesting an independent legal review from qualified local government counsel not previously involved in the matter, rather than relying solely on internal county attorney analysis.

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

### **Rationale for Independent Review:**

Public records and correspondence suggest that Martin County's initial legal position may have evolved during the review process. Early county staff analysis appears to have treated the proposed facility as a commercial operation subject to county development review requirements. However, subsequent legal positions appear to have shifted toward acceptance of agricultural exemption claims, potentially prior to the January 2025 FDACS opinion.

This evolution in legal analysis raises important questions about the factors that influenced the change in position and whether all relevant legal authorities were fully considered. Given the significant implications for county regulatory authority and community welfare, the current Board of County Commissioners deserves the benefit of a fresh, independent legal analysis that examines:

1. The scope and effect of Rule 12D-5.001's exclusion of processing from agricultural classification;
2. The legal weight of agency general counsel opinions on local government authority;
3. FDACS's regulatory authority over meat processing facilities versus USDA jurisdiction; and
4. The basis for any evolution in county legal positions regarding agricultural exemption claims.

### **Need for Objective Analysis:**

An independent review would ensure that legal analysis is conducted without any potential influence from previous positions, political considerations, or external pressures that may have affected earlier determinations. The complexity and novelty of the jurisdictional questions involved suggest that multiple qualified legal perspectives could be valuable in reaching sound conclusions.

***Finding #1: Until the fundamental legal questions identified above and described more thoroughly in Appendix 1 are resolved through independent analysis, the Guardians believe that Martin County should proceed with its comprehensive development review process under its established regulatory authority. The questions raised by FDACS's opinion, combined with the apparent evolution in county legal positions, are significant enough to warrant thorough independent legal research before any county regulatory authority is relinquished.***

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### III. Water Use

In its Fact Sheet on the Environmental Impacts of Slaughterhouses, the Center for Biological Diversity states that:

“Each year, U.S. slaughterhouses use billions of gallons of water to process and render animal carcasses. ... Water used in these facilities is often contaminated with processing waste and disposed of into waterways”.

“For beef cattle, water consumption occurs in every step of the slaughterhouse process, from live receiving to cleaning and sanitation. Average water usage for slaughtering cattle is at least 150-250 gallons per animal .”

To determine the extent of potential water use by the Chancey Bay Ranch project, the Guardians queried the database on Water Use permitting by the South Florida Water Management District, the state agency that regulates withdrawals of water from below the ground surface.

The CBR project is situated within SFWMD’s Upper East Coast Planning Area<sup>5</sup> (Figure 1).

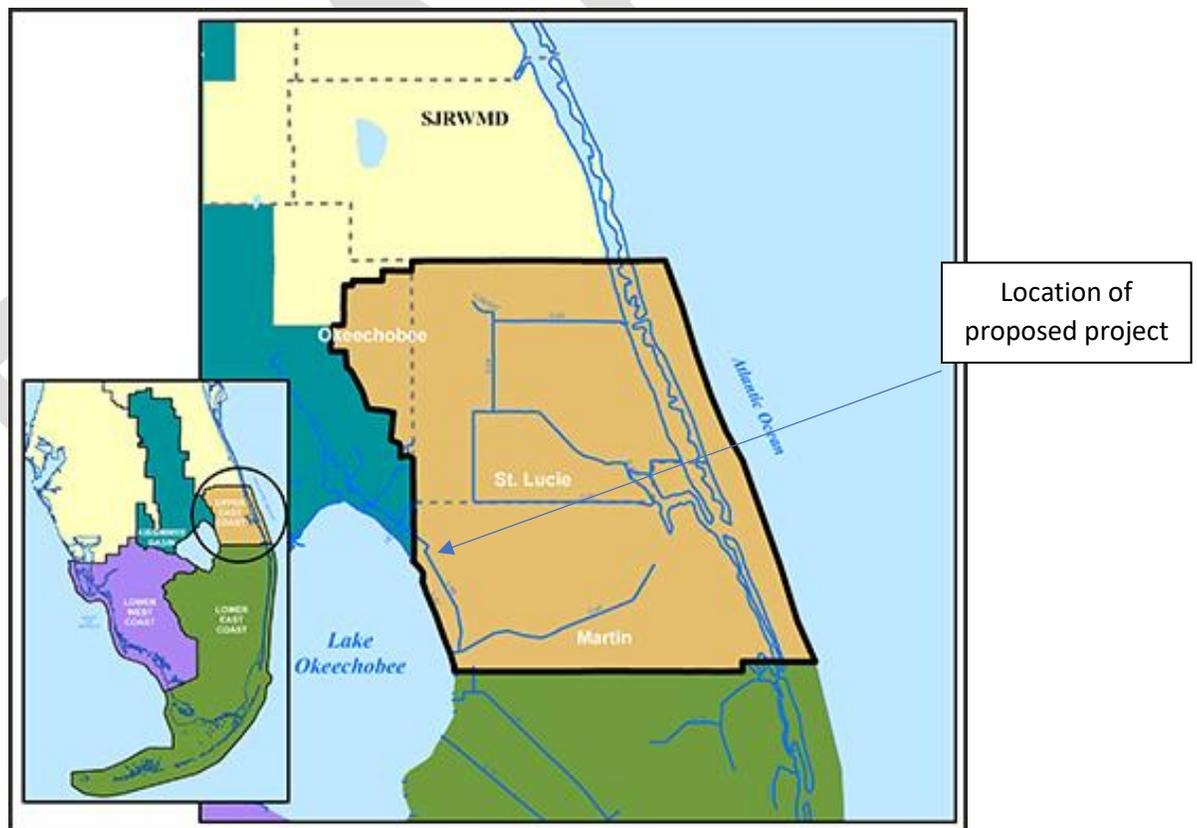


Figure 1 – Approximate Location of project within SFWMD’s Upper East Coast Planning Area, Source: <https://www.sfwmd.gov/our-work/water-supply/upper-east-coast>

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The most recent update (i.e., 2021) of the District's Upper East Coast Water Supply Plan indicates that:

"The water supply planning region identified in this plan shall be considered a Water Resource Caution Area under Section 403.064, F.S., and affected parties may challenge the designation pursuant to Section 120.569, F.S."

Rule 62-40.210(39), F.A.C., defines WRCAs as: "... a geographic area identified by a District as having existing water resource problems or an area in which water resource problems are projected to develop during the next twenty years."

Areas are designated as Water Resource Caution Areas when a combination of groundwater withdrawal, surfacewater withdrawal, human-related alterations to aquifer recharge and/or other factors result in existing freshwater wells being compromised to such an extent that wells go dry, have decreased productivity and/or become contaminated by chlorides to such an extent that the water must undergo treatment before it can be used for potable purposes.

In the subject instance, in spite of the project's location within a Water Resource Caution Area, on September 12, 2022, SFMWD issued Permit #43-03150-W<sup>(6)</sup>. The permit authorizes CBR Investors to withdraw 6.7 Million gallons of water from the surficial aquifer per year for the Florida Grassfed Beef project.

To understand the context of this volume of water and its potential effect on subsurface aquifers, the following is provided.

The United States Environmental Protection Agency (EPA)<sup>7</sup> reports that the typical American household uses approximately 300 gallons of water per day. Using this figure, the permitted water withdrawal for the Florida Grassfed Beef project equates to approximately the same amount of water use as 61 homes. Martin County's current zoning on the ~26-acre site on which the meat processing facility is proposed is one residential unit per 20 acres<sup>8</sup>. Using this figure, the permitted water withdrawal from the surficial aquifer for the project would have a net effect on water withdrawal as a 60-unit housing development.

SFWMD states that

"In 2015, the U.S. Geological Survey (USGS) estimated the state-wide groundwater use to be approximately 3.8 billion gallons per day. In 2021, the SFMWD estimated its groundwater use to be approximately 1.65 billion gallons per day (60% of total water used), with approximately 70% used for domestic purposes and most of the remainder used for agriculture and landscape irrigation."<sup>9</sup> source: SFMWD

<https://www.sfwmd.gov/science-data/gw-modeling>.

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SFWMD continues:

“In South Florida, aquifers vary in depth, composition and location. Our three primary aquifer systems are the **Surficial Aquifer System**, the **Intermediate Aquifer System** and the **Floridan Aquifer System**” Figure 2.



Figure 2

Aquifers in SE Florida; Source: <https://www.sfwmd.gov/science-data/gw-modeling>

“The **Surficial Aquifer System** is widespread and shallow, ranging from approximately 100 to 300 feet underground. It is separated from the Floridan Aquifer System by a confining bed of soil. Surficial aquifers provide most of the public freshwater supply southwest of Lake Okeechobee and along the Atlantic coast in St. Lucie, Martin, Palm Beach, Broward and Miami-Dade counties.

Surficial aquifers are recharged primarily by rainfall, but water also comes in from surface water bodies, such as lakes and streams, as well as from groundwater flow from outside the region or from deeper aquifers. Groundwater levels in surficial aquifers can change rapidly in response to drought or rainfall, as well as from withdrawals by pumping.”

The volume of withdrawals from the Surficial Aquifer is part of what has resulted in SFWMD designating the area where the CBR project is located to be a “Water Resource Caution Area”.

As a result of this determination, the CBR project is also within an area designated as a Restricted Allocation Area (RAA). RAAs are defined geographic areas where use of specific water supply sources (e.g., lakes, wetlands, canals, aquifers) is restricted due to concerns regarding water availability. <sup>(5)</sup>(See UEC Plan).

Unfortunately, there are no active monitoring wells in the surficial aquifer in the vicinity of the proposed project or within seven miles of it (Figure 3), which makes it difficult to determine the extent to which the permitted withdrawal of 134 million gallons could result in adverse impacts on existing wells that extract water from the surficial aquifer.

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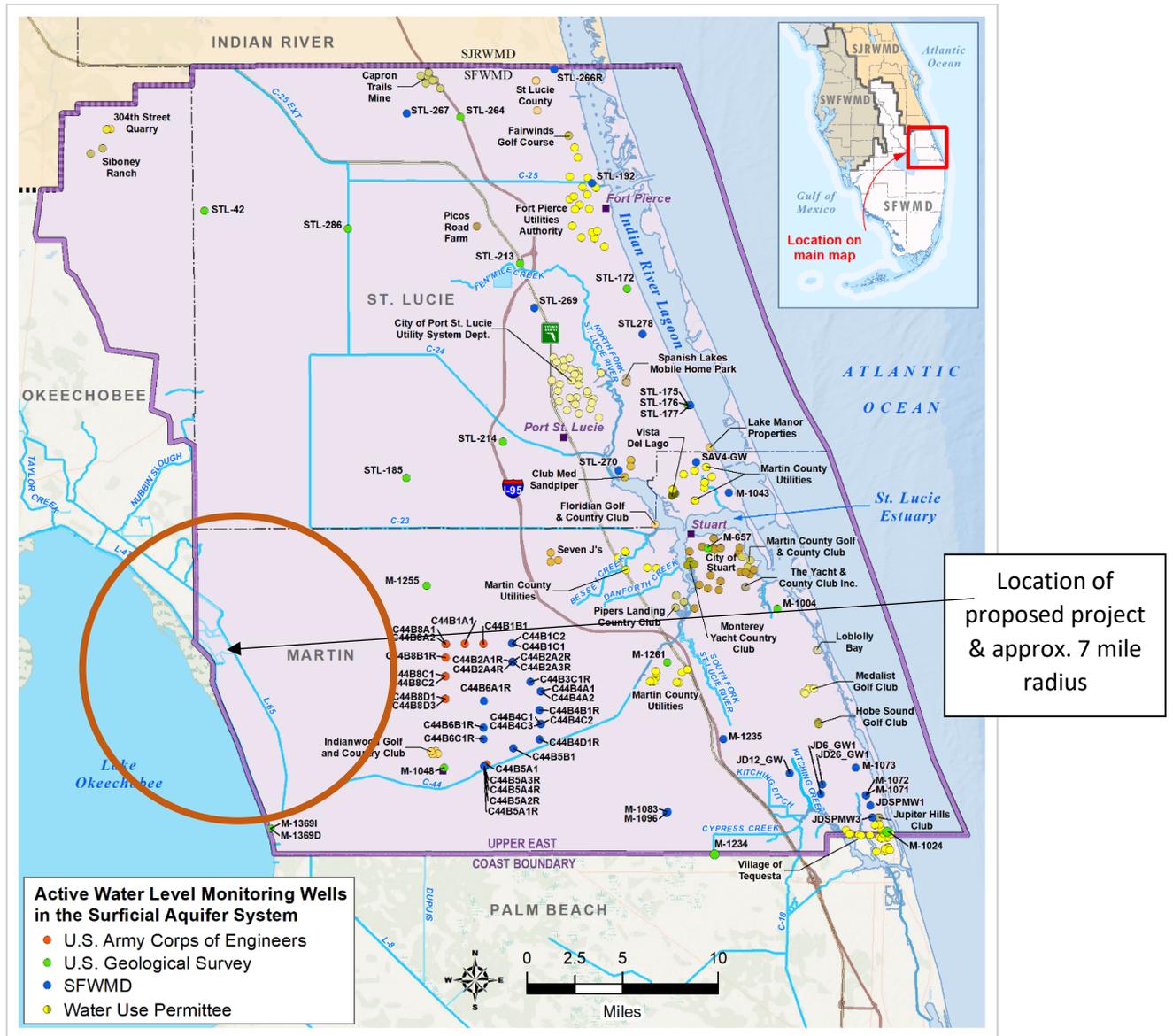


Figure 3. Active surficial aquifer system water level monitoring wells in the UEC Planning Area  
 Source: <https://www.sfwmd.gov/science-data/gw-modeling>

**Finding #2: The Guardians agree with the CBD’s statement that water use is a pertinent concern, and that, in this instance, issuance of a permit for a 20-year period that allows 134 million gallons of water to be withdrawn from the surficial aquifer in an area that has been designated a Water Resource Caution Area is not in the best interest of the citizens of Martin County.**

Additional information regarding the surficial aquifer in Martin County and the Treasure Coast can be found at: <https://www.usgs.gov/publications/geologic-aspects-surficial-aquifer-upper-east-coast-planning-area-southeast-florida>

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### IV. Pollution

Research by the Center for Biological Diversity has determined that meat processing facilities and their associated infrastructure requirements have the potential to create pollution. Potential sources of pollution could result from the meat rendering process, include management of surface waters, increased noise, traffic and other related activities. Specifically, CBD states:

“U.S. slaughter facilities produce millions of pounds of pollution annually. These facilities discharge water contaminated with blood, oil, grease and fats, ammonia, dangerous fecal bacteria, and excrement.

- In 2018 slaughterhouses released over 55 million pounds of toxic substances into waterways.
- According to EPA data, meat and poultry processing facilities are the second-largest industrial point source of nitrogen into waterways, discarding 27%.
- Slaughterhouses are also a top producer of phosphorus, generating 14% of the phosphorus discarded into waterways.
- Environmental Integrity Project’s study of 98 large slaughterhouse facilities found that the median slaughterhouse produced an average of 331 pounds of nitrogen a day, which is equivalent to the nitrogen pollutants in the untreated sewage of 14,000 people.
- Slaughterhouse wastewater can contain antibiotic-resistant strains of *E. coli*, fueling the spread of antibiotic-resistant bacteria.
- Even with new technologies available for mitigating pollution, the past two decades have seen an increase of over 25% in direct disposal of slaughter pollutants into waterways due to weak environmental protections.
- More than 60% of the waterways that suffer the pollution from the biggest slaughterhouses are too polluted for drinking, swimming, and fishing. “

To determine the current water quality-related situation at and in the vicinity of the proposed CBR project, the Guardians accessed information from the State of Florida program regarding the designation of water bodies that have been designated as “Impaired”. Water quality has been a concern in Lake Okeechobee and the Lake Okeechobee watershed for more than 20 years. Initiatives to improve water quality were initiated in 2000 through the Lake Okeechobee Protection Act, which was subsequently strengthened in 2007 pursuant to the Lake Okeechobee and Estuary Recovery Act of 2005.

Lake Okeechobee and its watershed are currently designated as Impaired Waters through FDEP’s Impaired Waters Rule (Chapter 62-303 F.S.)<sup>10</sup>. As recently as June 2025, the State of Florida

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

adopted an updated Basin Management Action Plan (BMAP)<sup>11</sup> pursuant to Office of General Council Case # 25-1034. Information from the BMAP and related documents provided the basis for much of the position in this section of this position paper.

In general terms, the Chancey Bay Ranch property is located within the Lake Okeechobee Watershed (Figure 4).

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# Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

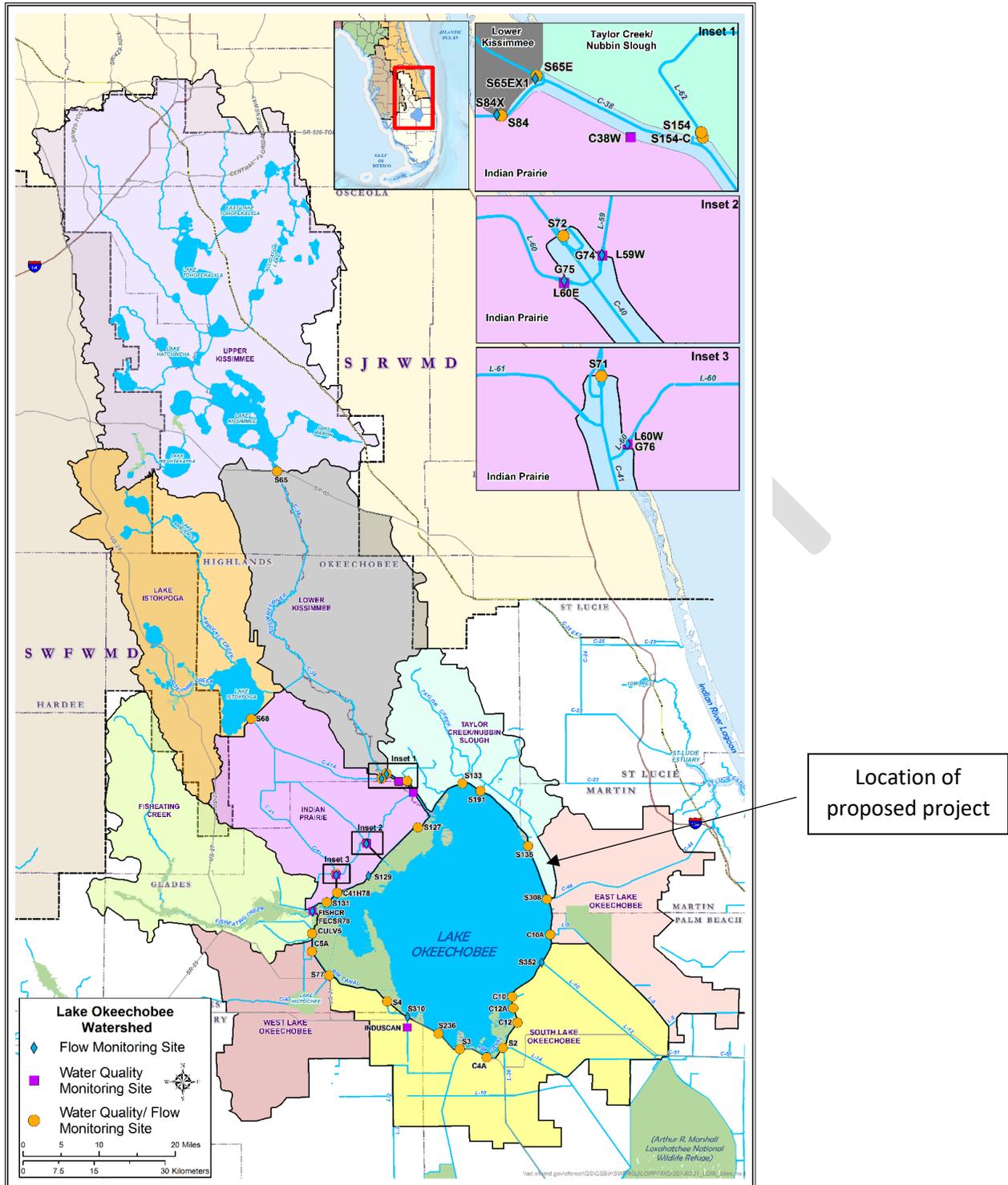


Figure 4  
 Location of water quality/Flow Monitoring sites within the Lake Okeechobee Watershed  
 Source: Lake Okeechobee Watershed Construction Project (LOWCP),  
<https://www.sfwmd.gov/lowcp><sup>12</sup>

# Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

More precisely, the proposed meat processing facility at Chancey Bay Ranch, is within the Taylor Creek/Nubbin Slough sub-watershed (Figure 5).

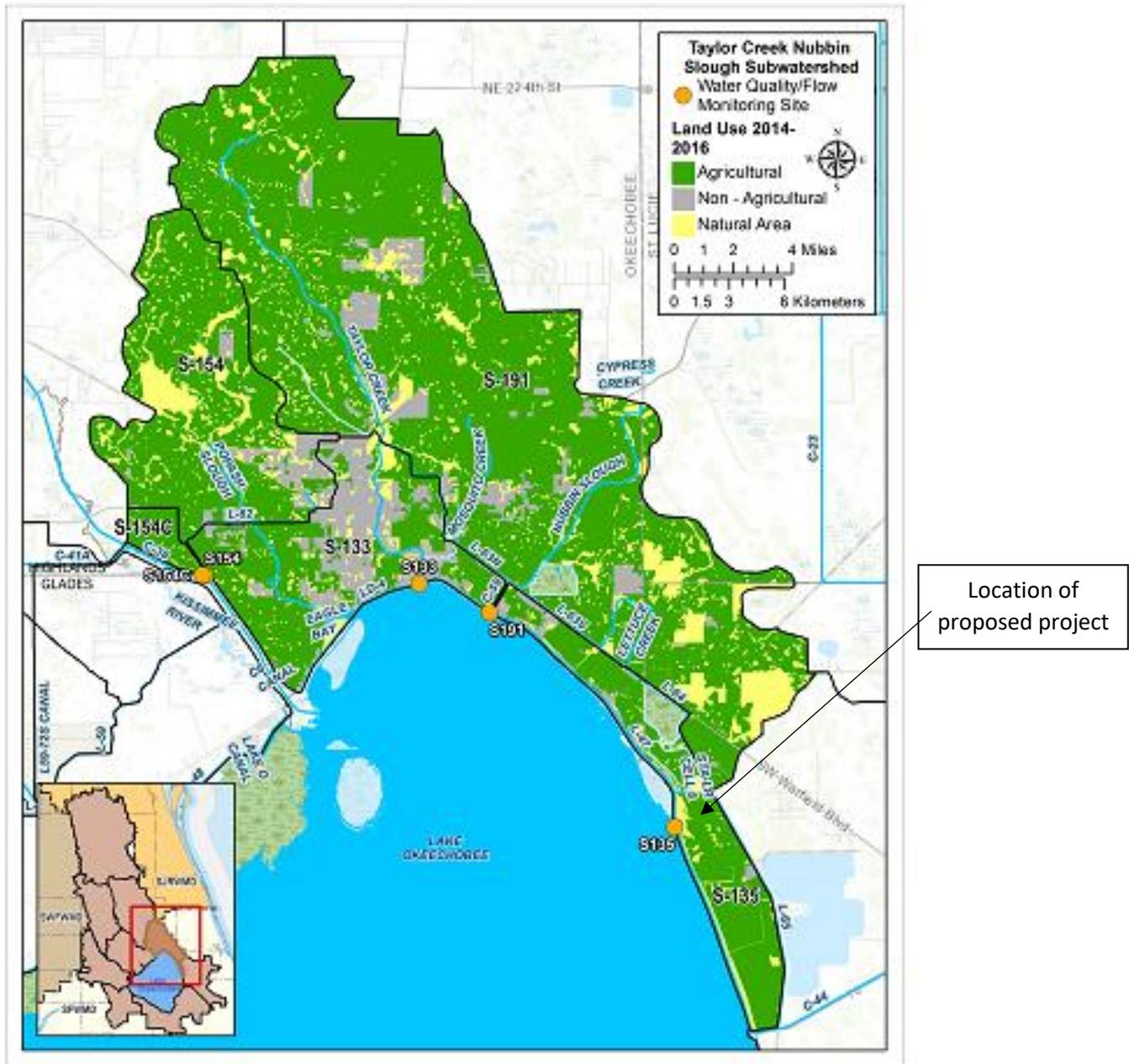


Figure 5  
Taylor Creek/Nubbin Slough sub-watershed  
Source: <https://www.sfwmd.gov/lowcp>

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Elevated nutrients in the Taylor Creek/Nubbin Slough area have been a problem for several decades. From 2008-2014, the SFWMD undertook an ambitious project to address water quality problems through the construction of the Lakeside Ranch Stormwater Treatment Area. The stated purpose of the project was to:

“ Capture and reduce the amount of total phosphorus from the S-191 and S-135 basins prior to discharge back into the L-47 rim canal and eventually into Lake Okeechobee. Source: SFWMD Taylor Creek/Nubbin Slough Project Factsheet<sup>13</sup>

Various governmental entities, including the City of Okeechobee, FDACS, Okeechobee County, the Okeechobee Utility Authority, and SFWMD have completed a variety of projects within the Taylor Creek/ Nubbin Slough sub-basin that have been designed to address phosphorus and nitrogen, the two primary water quality constituents that prevent compliance with applicable (i.e., Class 3) water quality standards.

Thus far, attempts by the Guardians to acquire information regarding the historical and current use of phosphorus and nitrogen on the subject property have not been successful. In response to a FOIA request made by the Guardians, reports for most years are missing, and for those years for which have been provided, application rates have been redacted. While some progress in meeting the Total Maximum Daily Load (TMDLs) has been made, unfortunately, Section 3.5.2.1 of the recently approved BMAP summarizes that:

“The current TP load based on data from WY2020–WY2024 for the Taylor Creek/Nubbin Slough subwatershed is 53.1 mt/yr. A reduction of 37.1 mt/yr is required to help achieve the TMDL and meet the subwatershed target of 16.0 mt/yr.”

After ‘investing’ millions of dollars in taxpayer’s money, the Taylor Creek/Nubbin Slough sub-basin (the one in which the proposed Chancey Bay Ranch meat processing facility is proposed) much progress has been made. As current phosphorous loading is significantly higher than the established target, the introduction of a new source of phosphorous through construction and operation of the CBR project will likely further exacerbate water quality problems.

On multiple occasions from May through November 2025, The Guardians have queried the database for permits issued for the Chancey Bay Ranch project pursuant to the National Pollutant Discharge Elimination System (NPDES). Pursuant to the Clean Water Act, the NPDES permit process prohibits the discharge of "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The relevancy to the Chancey Bay Ranch meat processing facility is that an NPDES permit would contain limits on what can be discharged, and include monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. No records have been found that the Chancey Bay Ranch has been issued a permit, although NPDES permits have been issued for 328 other sites in Martin County<sup>14</sup> <https://echo.epa.gov/trends/loading-tool/water-pollution-search/results?s=e424989f5b6018887f01d6d00f30bfd89567d8ac>.

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It is The Guardians understanding that meat processing facilities (i.e., slaughterhouses) must comply with “effluent limitation guidelines” (ELGs) that would be contained in an NPDES permit. ELGs are national, industry-wide pollution control standards with different stringency requirements for conventional, toxic, and nonconventional pollutants. 33 U.S.C. 1314(b). Unless there is a water quality monitoring program for the Chancey Bay Ranch project that The Guardians have been unable to locate, concerns about water-quality effects of the project remain.

Water quality, and non-adherence to applicable state water quality standards has health implications for residents and visitors. Blooms of toxic algae have become more frequent in recent years, posing increased risk to human health and the environment.

On June 27, 2025 the Florida [Department of Health \(DOH\)](#) had issued a [health alert for toxic algae](#) in an area in Martin County <sup>15</sup>, and on July 18, 2025 the DOH issued a blue-green algae health alert for the C-44 Canal <sup>16</sup>, the waterway that connects Lake Okeechobee to the St. Lucie River Estuary (SLE). <https://www.floridahealth.gov/environmental-health/aquatic-toxins/documents/07-18-25-martin-bga-alert-c44canal.pdf>



Figure 6 - Location of June 2025 Dept. of Health water quality health alert.

Source TCPalm 9-20-25

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Additionally, a recent investigation by the Tampa Bay Times has confirmed that in spite of increased attention on water quality, “Florida Waters are getting more Polluted. Here’s What the Times Found: <sup>17</sup>

- 1. Florida waterways are dangerously polluted and worsened.**
- 2. The state’s efforts to control pollution are not working.**
- 3. The huge strip of Florida has become a residential development and farm.**
- 4. Millions of pounds of chemicals enter the Florida waterways from the land.**
- 5. Florida has lost tens of thousands of acres of sea grass.**
- 6. Hundreds of manatees have been killed and dozens have been rescued at the height of the crisis.**
- 7. Scientists responding to the Manatee crisis were openly about its causes and severity of internal communication.**
- 8. The state has not resolved the root of the problem.**

And while this is the situation across most of Florida, local radio station WQCS reported in September 2025 that:

“Lake Okeechobee has just been named the dirtiest lake in America<sup>18</sup>. A new study from Lake.com, which pulled federal water quality data, found the massive Florida lake ranked worst among the country's 100 largest. Researchers flagged Lake O's cloudy water with turbidity readings of 34.36 NTU, along with phosphorus levels that feed algae growth and traces of lead, a contaminant that has no safe level. “

Listen to the full coverage at: <https://www.wqcs.org/wqcs-news/2025-09-19/lake-okeechobee-ranked-americas-dirtiest-lake-in-new-study>

The Guardians’ inquiries have not revealed the extent to which PFAS (Per- and polyfluoroalkyl substances) and PFOS (Perfluorooctanesulfonic acid) may be present on the Chancey Bay Ranch property. Also known as “forever chemicals” because they break down very slowly over time, PFAS and PFOS are not removed in wastewater treatment plants, and their presence on cattle ranches in the U.S. has been linked to surface application sludge/biosolids from wastewater treatment plants as fertilizer<sup>19</sup>.

Adverse health effects in humans of PFAS and/or PFOS exposure include thyroid disease, hypercholesterolemia, chronic kidney disease and others. The Division of Cancer Epidemiology & Genetics (DCEG) is currently investigating the association of several PFAS compounds and cancers including kidney cancer, testicular cancer, prostate cancer, ovarian and endometrial cancer, thyroid cancer, non-hodgkins lymphoma, and childhood leukemia<sup>20</sup>.

If biosolids have been applied on rangeland at Chancey Bay Ranch, it is possible that stormwater runoff from the property could contain forever chemicals, which could further exacerbate water quality deficiencies in the S-135 basin and the Lake Okeechobee Watershed.

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

***Finding #3: The Guardians recognize and appreciate the initiatives by private and governmental entities within the Lake Okeechobee Watershed to improve the quality of surface waters within the watershed in their efforts to get this watershed removed from the State's list of Impaired Waters. However, at a time when a reduction of 37.1 metric tons of phosphorous per year is required to help achieve the Total Maximum Daily Load to meet the sub-watershed target, now is not the time to be adding a new source of nutrients into the system, particularly one that has the potential to be exacerbating nutrient levels significantly.***

***Water quality in the S-135 basin could be further degraded if surfacewater discharging from the property into watershed were to contain PFAS and/or PFOS.***

***The Guardians are concerned that the introduction of a highly water-intensive project at a site for which there is no evidence of full adherence to water-quality BMPs within the S-135 sub-basin will likely outweigh the improvements that have been made over the last decade, and cause additional public funds to need to be allocated in order restore the Lake Okeechobee watershed to the point that it can be taken off the State's list of Impaired Waters.***

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## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### V. SPECIES ENDANGERMENT

The Center for Biological Diversity's publication on slaughterhouses' third area of concern addresses the ecological risks on biodiversity and species endangerment. Their investigation of meat processing facilities across the U.S. revealed that:

- Many aquatic species are already struggling to survive in the face of climate change, drought and rising temperatures, bringing excessively low water, low oxygen, hotter water, and concentrations of harmful substances. Toxic algal blooms and chemical contamination added to existing pollution can destroy entire ecosystems. Poor oversight, regulation and enforcement of slaughter facilities — many of which have low environmental standards that are decades out of date — have created a significant threat to the survival of aquatic animals from this pollution.
- All 50 states face harmful algal blooms from nitrogen and phosphorus pollution that can sicken or kill people and animals exposed to these extremely dangerous toxins.
- Thousands of slaughterhouses in the U.S discharge into waterways, including Chesapeake Bay, the nation's largest estuary, where nutrient runoff suffocates marine life such as crabs, oysters and fish (such as yellow perch and largemouth bass) and can create mass "fish kills."
- The pollution-driven decline of yellow lance mussels (which filter algae), marbled salamander, and American eels in and around Chesapeake Bay is endangering aquatic ecosystems.
- More than 1,000 facilities store waste in onsite lagoons or spread it on land. Storms can cause lagoons to overflow or wash waste off fields, contaminating waterways and imperiling wildlife.
- A pork processing plant owned by JBS in Illinois spilled 29 million gallons of hog waste in 2015, killing nearly 65,000 fish.
- Smithfield's Tarheel Plant in North Carolina, the largest pig slaughterhouse in the United States, discharged 1,759 pounds of nitrogen a day on average into the Cape Fear River. In 2018 it was ranked the second worst polluter by the Environmental Integrity Project's report on slaughterhouse pollution.
- Compounds found in slaughterhouse wastewater, such as chromium and chemicals from cleaning products, cause changes in aquatic ecosystems that endanger fish and plant life.

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

- Nitrogen and phosphorus from slaughterhouse waste can cause the growth of algae that depletes the oxygen in water, creating dead zones in streams and rivers. The Gulf of Mexico dead zone is almost 7,000 square miles.

A review of ecological information that is available regarding the proposed meat processing facility at Chancey Bay Ranch has revealed that several wildlife species that are designated by the Federal government and/or State of Florida as protected pursuant to the Florida Wildlife Code (Chapter 68, Florida Administrative Code)<sup>21</sup> are either known to be present on or have the potential to be present on or in close proximity to the approximately 26-acre site where the meat processing facility is proposed and the approximately 2,750-acre ranch that will serve as pastureland for the operation.

The ecological portion of the SFWMD Environmental Resource Permit<sup>22</sup> for the project indicates that:

“The project site lies within the Audubon’s Crested Caracara Consultation Area, a federally threatened wetland-dependent species, as well as within a woodstork core foraging habitat.”

An Environmental Assessment and Preserve Area Management Plan (PAMP) developed by a consultant on behalf of Florida Grassfed Beef identifies a number of plant and animal species are present on the property. Section 6 of the draft PAMP, which would not be implemented if the opinion by FDACS’s attorney General is upheld, includes the following information regarding protected species:

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

The Information for Planning and Consultation (IPaC) website was consulted to identify potential listed species utilizing the project site. There was no critical habitat identified within the project area.

SPECIES	STATUS	HABITAT PRESENT
Florida Panther ( <i>Puma concolor caryi</i> )	Endangered	
Southeastern Beach Mouse ( <i>Peromyscus polionotus niveiventris</i> )	Threatened	
Audubon's Crested Caracara ( <i>Polyborus plancus audubonii</i> )	Threatened	Adjacent
Everglade Snail Kite ( <i>Rostrhamus sociabilis plumbeus</i> )	Endangered	Adjacent
Florida Grasshopper Sparrow ( <i>Ammodramus savannarum floridanus</i> )	Endangered	Adjacent
Ivory-billed Woodpecker ( <i>Campephilus principalis</i> )	Endangered	
Wood Stork ( <i>Mycteria americana</i> )	Threatened	
Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	Threatened	Yes
Miami Blue Butterfly ( <i>Cyclargus thomasi bethunebakeri</i> )	Endangered	
Beach Jacquemontia ( <i>Jacquemontia reclinata</i> )	Endangered	
Four-petal Pawpaw ( <i>Asimina tetramera</i> )	Endangered	
Lakela's Mint ( <i>Dicerandra immaculata</i> )	Endangered	
Okeechobee Gourd ( <i>Cucurbita okeechobeensis ssp. okeechobeensis</i> )	Endangered	
Tiny Polygala ( <i>Polygala smallii</i> )	Endangered	
Florida Perforate Cladonia ( <i>Cladonia perforate</i> )	Endangered	
American Kestrel ( <i>Falco sparverius Paulus</i> )		Adjacent
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	Eagle Act Protection	Yes
Common Ground-dove ( <i>Columbina passerina exigua</i> )		
Swallow-tailed Kite ( <i>Elanoides forcatius</i> )		

Source: Information contained in Environmental Assessment included in SFWMD permit application

Field surveys for floral and faunal species that are designated by the federal government and/or the state of Florida as Endangered &/or Threatened have evidently been restricted to the 26.06 acres on which the proposed meat processing facility is proposed to be constructed.

It is the Guardians' opinion, however, that the viability of the project relies heavily on an increase in the intensity of use on the adjoining  $\pm$  2,750-acre ranch, onto which cattle will be imported from elsewhere, and allowed to graze until such time as they are moved to the processing facility.

The Guardians have not been able to locate any information that identifies the number of cattle that will be brought to Chancey Bay Ranch for the project.

Potential impacts on listed species, therefore, should be analyzed based on the project in its totality, not limited to the  $\sim$  26-acres on which the processing facility is proposed to be constructed.

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Impacts that result from the project will therefore include those that result from more intensive use of pasture areas, and secondary impacts associated with increased noise, traffic and other tangential activities.

This increased intensity of the grazing operation on the adjoining rangeland has the potential to impact bald eagles, caracara, burrowing owls, gopher tortoises and other species, which, to the Guardians' knowledge has not yet been analyzed.

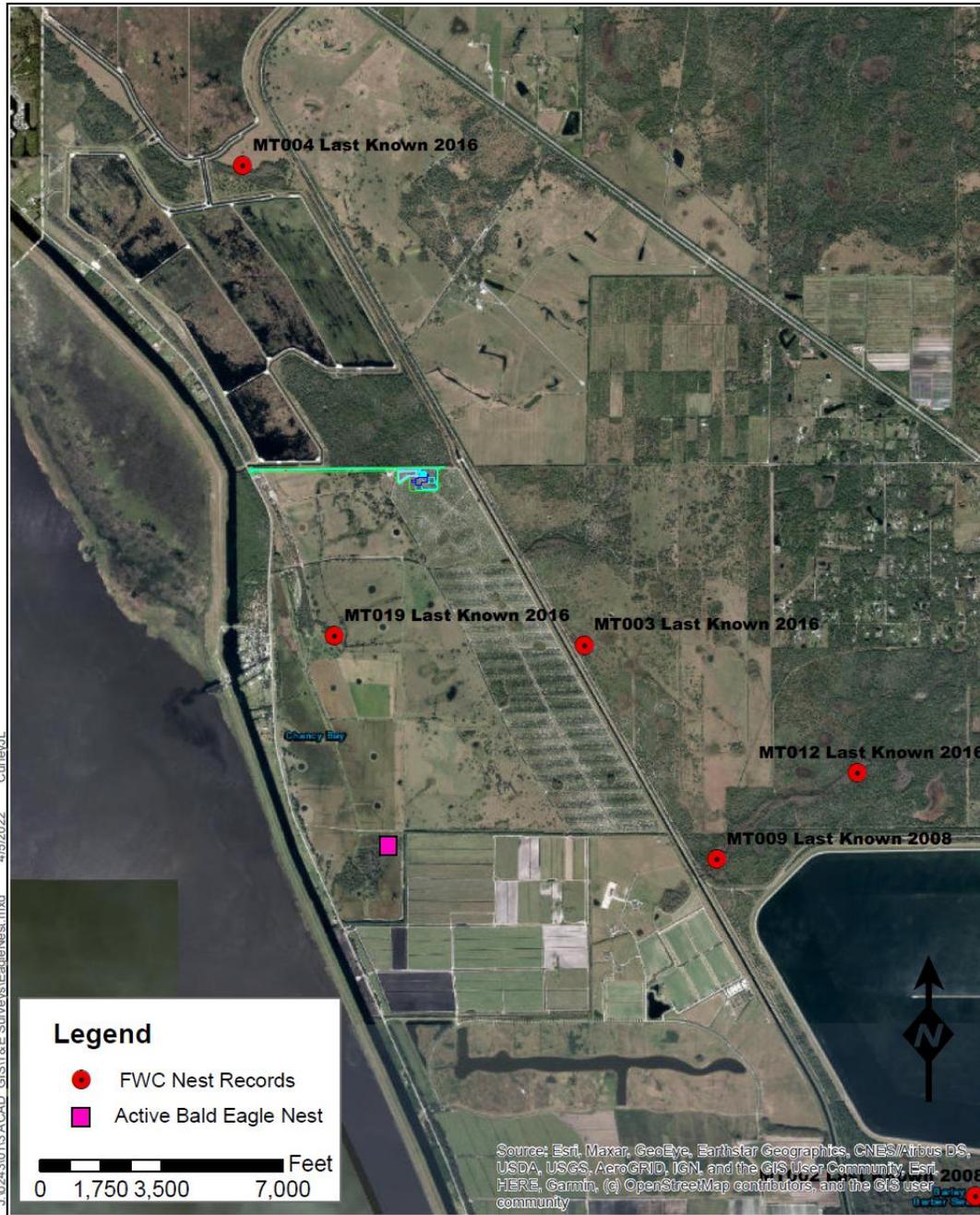
Notably, environmental documents prepared on behalf of the project<sup>23</sup> indicate that two bald eagle nests are present on the ranch onto which cattle will be brought for the proposed project (Figure 6). This includes Bald Eagle Nest # MT-018, which was present in a live pine tree when the environmental assessment was performed, and an un-numbered nest that was determined to be Active (i.e., in use by adults and/or immatures) in the southerly portion of the property.

If the ranch onto which cattle are proposed to brought for the proposed project is considered to be part of the project, which the Guardians believe that it is, activities to be conducted within 1,500 foot radii of the two nests would need to be analyzed to determine the extent to which the proposed use would have potential adverse impacts on individuals of this protected species.

The Guardians acknowledge that, at the existing level of intensity, the Chancey Bay Ranch provides habitat for nesting bald eagles, demonstrating the compatibility between ranch management practices and the eagle's habitat requirements and existing tolerance of human activity.

Similarly, the Environmental Assessment indicates the presence of wetlands on the ranch portion of the site (Figure 7)<sup>24</sup>. The presence of these wetlands, which are within the Core Foraging Area for wood storks, and swales that are part of the surface water management system provide potential foraging habitat for wood storks. In what appears to be a degraded condition, and their potential for restoration that would likely be required by Martin County if portions of the ranch were to be included in a Preserve Area Management Plan, would likely increase their value for wood storks and provide protection in perpetuity, while adhering to the Florida Right to Farm Act.

Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch



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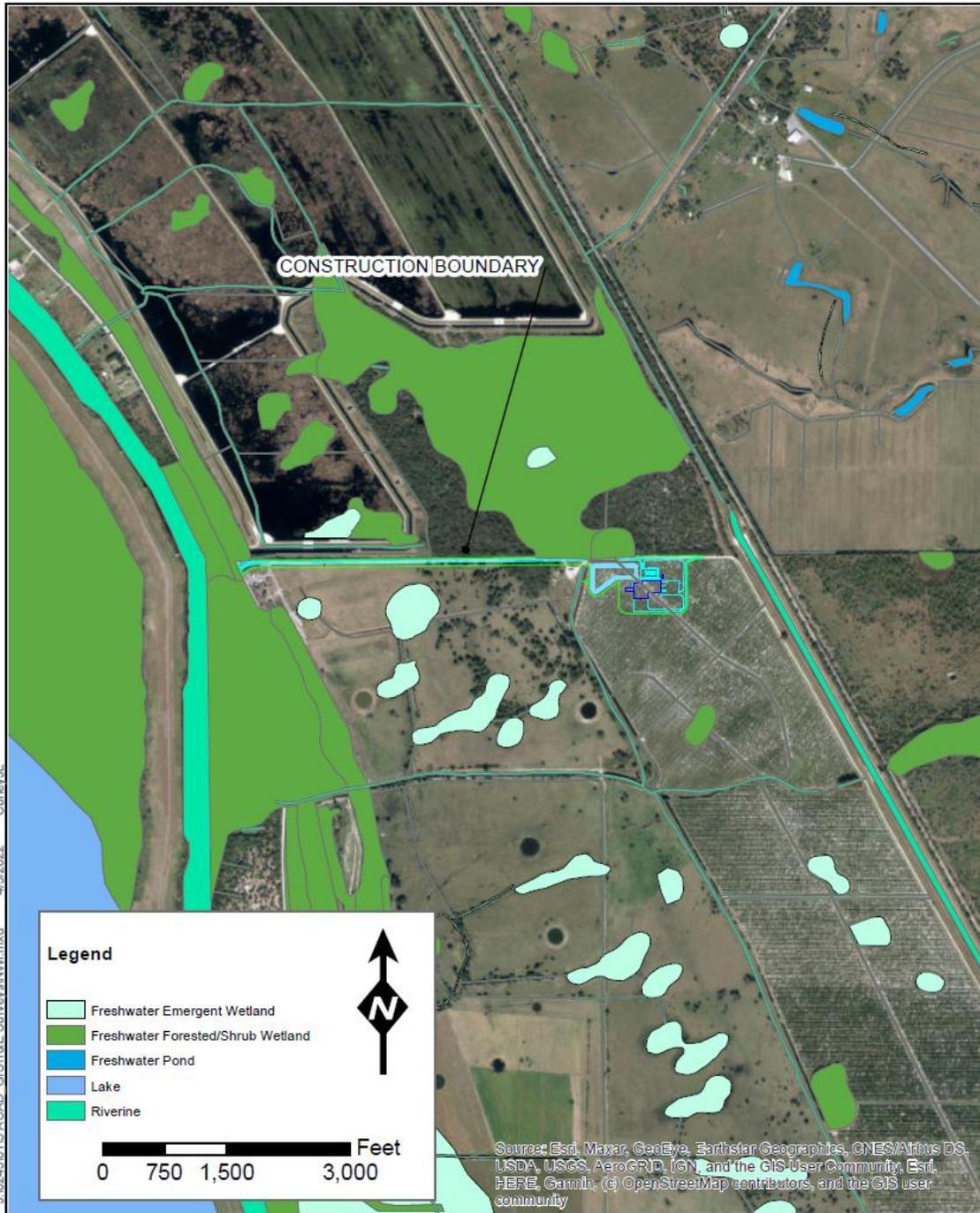


ROYAL CONSULTING SERVICES, INC.

**Figure 6**  
**Bald Eagle Nest Locations**  
**Florida Grassfed**

Figure 7  
 Bald Eagle Nest Locations at Chancey Bay Ranch  
 Source: Royal Consulting Services (Figure 6)

# Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch



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ROYAL CONSULTING SERVICES, INC.

**Figure 2**  
**National Wetland Inventory Map**  
**Florida Grassfed**

Figure 8  
National Wetland Inventory Map for Chancey Bay Ranch and proposed meat processing facility  
Source: Royal Consulting Services (Figure 2)

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

Compliance with Martin County's CGMP and LDRs would require the identification of 'habitat' and increase the likelihood that potential impacts to these species would be evaluated prior to construction of the facility.

***Finding #4: Compliance with Martin County's Comprehensive Growth Management Plan and Land Development Regulations would require adherence to a Preserve Area Management Plan, which would protect natural resources within the PAMP area in perpetuity.***

***The resources within a PAMP are apparently not being protected through any other federal, state or regional regulations to the extent that Martin County would require, and therefore there is no duplication of regulations and concerns about compliance with the Right to Farm Act are moot.***

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## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### VI. Equity and Justice

The Center for Biological Diversity's paper on Slaughterhouses found that:

“ Slaughterhouses are disproportionately located in Black, Indigenous, Latino, immigrant and low-income communities. Facilities that release toxic industrial waste directly into waterways deeply impact these underserved and underrepresented populations.”

The proposed meat processing facility at Chancey Bay Ranch is located in un-incorporated Martin County. The town nearest to the site is Indiantown, which is located approximately 10 miles to the southeast.

Information regarding conditions in Indiantown are contained in the Indiantown Economic Study<sup>25</sup> developed by The Center for Urban & Environmental Solutions (CUES) at Florida Atlantic University and the Center for Building Better Communities at the University of Florida for the Indiantown Community Redevelopment Agency.

What follows are excerpts from the Indiantown Economic Study. Regarding race, the Study includes the following:

Table 1.3 shows the percentage of population by race for Indiantown, Martin County and Florida. From 1990 to 2000 the white population in Indiantown has decreased by 1.1 percent, by 1.4 percent in Martin County and by 5 percent in Florida. “Other race,” which is the Mayan Indian population that is prevalent, increased by 2.5 percent in Indiantown, and 0.7 percent in Martin County. This shows that the influx of this “other race” settled predominantly in Indiantown. The black population decreased in Indiantown by 7 percent and in Martin County by 0.7 percent, while increasing in the state of Florida by 1 percent.

Most significantly in 2000, more than one-quarter of Indiantown's population was “some other race,” which is contrasted with this segment of the population comprising 3 percent or less of the county's or state's population.

**Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Table 1.3 Comparison: Percentage of Population by Race	1990			2000		
	Indiantown	MC	FL	Indiantown	MC	FL
White	47.0%	91.3%	83.1%	45.9%	89.9%	78.0%
Black	28.0%	6.0 %	13.6%	21.0%	5.3%	14.6%
American Indian and Alaska Native	0.7%	0.2%	0.3%	2.3%	0.3%	0.3%
Asian	0.0%	0.5%*	1.2%*	0.2%	0.6 %	1.7%
Native Hawaiian and Other Pacific Islander	0.3%	na	na	1.0%	0.1 %	0.1%
Some other race	24%	2.0%	1.8%	26.5%	2.7%	3.0%
Two or more races	na	na	na	3.1%	1.1 %	2.4%

Source: U.S Census 1990, 2000

\* Data for year 1990 combined the Asian and Pacific Islander population rather than separating them as in year 2000.

Table 1.4 reiterates the high percentage (relative to county and state levels) of the population that is from Hispanic or Latino descent. From 1990 to 2000, Indiantown, Martin County, and Florida all had increases in the Hispanic population. However, Indiantown had the greatest percent change with a 14.1 percent increase in ten years compared to a 2.8 percent increase in Martin County and a 4.6 percent increase in Florida.



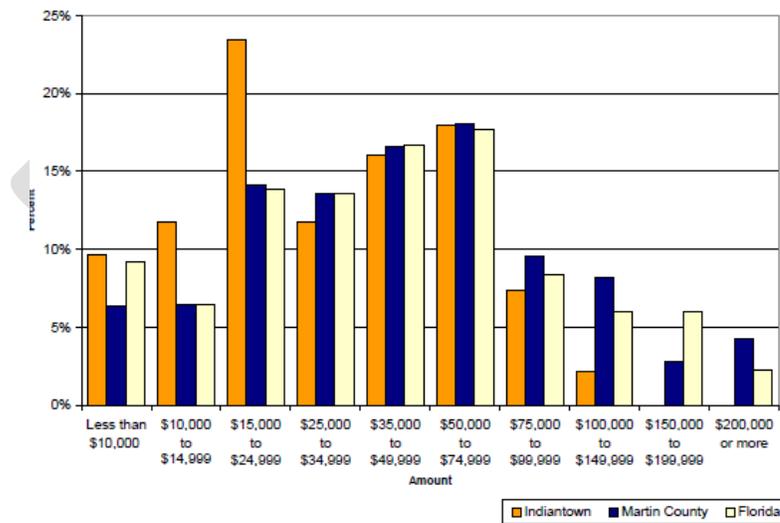
## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

Income is another major indicator of the economic health and growth patterns of a community. It is typically considered in context of per capita income and household income. Both of these factors are summarized in the following information.

According to Census 2000 statistics, median household income in Indiantown (\$28,977) is substantially lower when compared to Martin County (\$43,083) and the state of Florida (\$38,819). This is attributed to the rural nature of Indiantown where the local economy is primarily fueled by agricultural and industrial businesses.

According to Table 1.5 and Figure 1-D, which compare income cohorts of Indiantown, Martin County and the state of Florida, 23 percent of Indiantown residents earn between \$15,000 and \$24,999 annually. This can be compared to 14 percent of the population of Martin County Florida in the same bracket. Also of note is that the median household income for Indiantown is a little over \$14,000 *less* than the median household income for Martin County.

**FIGURE 1-D. HOUSEHOLD INCOME COMPARISON CHART**



## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

In a related investigation of poverty, the Indiantown Economic Study found that:

Table 1.8 depicts poverty rates for Indiantown, Martin County and Florida. The results of low median household income and per capita income in Indiantown can be seen with higher poverty rates for families, individuals and single mothers. Nearly 19 percent of families in Indiantown live below the poverty rate, as compared with only 2.6 percent of county residents. More striking is the fact that more than 40 percent of single mothers within Indiantown live in poverty. These figures in particular portray the depressed socioeconomic conditions existing within Indiantown.

Table 1.8 Comparison: Poverty Rate, 2000	Indiantown	Martin County	Florida
Families	18.8%	2.6%	9.0%
Individuals	23.8%	8.8%	12.5%
Single Mother	40.2%	20.7%	25.3%

Source: U.S. Census 2000

More current information regarding Indiantown is available at <https://datausa.io/profile/geo/indiantown-fl/>

### Income & Poverty

Median households income (in 2023 dollars), 2019-2023 \$52,372

Per capita income in past 12 months (in 2023 dollars), 2019-2023 \$17,746

Persons in poverty, percent 28.3%

As noted previously, the proposed project is situated in un-incorporated Martin County, so analysis of the socio-economic situation in Indiantown may not be particularly relevant, particularly because any tax-related income that would be generated by the proposed project would be collected by Martin County, not the Village of Indiantown.

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

To the extent that the project results in new jobs, and/or future employees of the facility choose to live in Indiantown and/or support businesses in Indiantown, the project could have a positive economic effect on the Village.

It is relevant to this topic, however, that the Indiantown community includes a number of subsistence fishers – individuals who fish at Port Mayaca, and in other nearby waters that are presently subject to increases in cyanobacterial blooms, the frequency and toxicity of which could be exacerbated if controls are not included to prevent future water quality degradation that could originate as a result of the Chancey Bay Ranch project. Studies conducted by the Ocean Research Conservation Association (ORCA) in Martin County suggest that fish that live in waters with elevated levels of cyanobacteria may assimilate contamination in their meat<sup>26</sup>, thus posing potential additional risks to some residents in western Martin County.

### *Finding # 5*

***One of the Center for Biological Diversity's assertions is that meat processing facilities are disproportionately located in Black, Indigenous, Latino, immigrant and low-income communities. "Facilities that release toxic industrial waste directly into waterways deeply impact these underserved and underrepresented populations" appears borne out in this instance, with the caveat that the facility is proposed to be constructed in unincorporated Martin County, not within the Village of Indiantown.***

***With the exception of potential impacts on subsistence fishers, the site is distant enough from the Village that it is unlikely to have a significant negative environmental effect, and could have a potential positive economic effect on the Village.***

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### VII. Lack of Environmental Regulation

In its paper on meat processing facilities, the Center for Biological Diversity found that:

“The Environmental Protection Agency is charged with controlling water pollution and setting wastewater standards for the slaughter industry. The agency’s own records show three-quarters of industrial-scale slaughter facilities discharging waste into waterways violated their permits with little or no enforcement, dumping as much nitrogen pollution as small cities in some cases.”<sup>4</sup>

As described previously in this paper, there does not appear to be a lack in environmental regulation of this industry in Florida. The federal government, through the EPA and Departments of Revenue and Agriculture, together with State of Florida, through FDACS, FDEP, SFWMD and local government appear to have adequate programs in place to prevent adverse impacts on human health and the environment, particularly when/if complementary protocols are ensuring compliance with local Comprehensive Growth Management Plans and Land Development Regulations are in place.

Unfortunately, in spite of these regulations and remedial efforts focused on water quality deficiencies, water quality in the Lake Okeechobee watershed remains “Impaired”, and FDACS’ apparent determination that local government’s ability to ensure compliance with the provisions contained in the CGMP and LDRs suggest that mechanisms to ensure compliance with these provisions is preempted.

#### ***Finding #6***

***If the proposed facility were to be compliance with all federal, state and local (i.e., Martin County) regulations, the likelihood of continued adverse impacts on human health and the environment would likely be non-existent or negligible. However, with the lack of adherence to state standards and the pre-emption of local regulations, adverse impacts on human health and the environment are not assured.***

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

### Literature Cited and other applicable references

- <sup>1</sup> Lakeside Ranch Stormwater Treatment Area; <https://www.sfwmd.gov/recreation-site/lakeside-ranch> and <https://www.sfwmd.gov/recreation-site/lakeside-ranch>
- <sup>2</sup> Florida Right to Farm Act. Florida Statute 823.14. <https://www.flsenate.gov/Laws/Statutes/2014/0823.14>
- <sup>3</sup> January 6, 2025 Opinion letter from FDACS Attorney General to Spencer Crowley regarding Exemption of Agricultural Activities from Local Government Regulation
- <sup>4</sup> Center for Biological Diversity, The Environmental Impacts of Slaughterhouses: Fact Sheet, including Citations therein. [https://biologicaldiversity.org/programs/population\\_and\\_sustainability/pdfs/slaughterhouse\\_factsheet.pdf?\\_gl=1\\*nuy0h1\\*\\_gcl\\_au\\*MTc0NTMwODU3My4xNzYyNzAwNTcw](https://biologicaldiversity.org/programs/population_and_sustainability/pdfs/slaughterhouse_factsheet.pdf?_gl=1*nuy0h1*_gcl_au*MTc0NTMwODU3My4xNzYyNzAwNTcw)
- <sup>5</sup> South Florida Water Management District, Upper East Coast Water Supply Plan, accessed at: <https://www.sfwmd.gov/our-work/water-supply/upper-east-coast>
- <sup>6</sup> Florida Water Management District, Water Use Permit # 43-03150-W.
- <sup>7</sup> United States Environmental Protection Agency, <https://www.epa.gov/watersense/how-we-use-water>
- <sup>8</sup> <https://www.martin.fl.us/martin-county-services/view-land-use-and-zoning-maps>
- <sup>9</sup> <https://www.sfwmd.gov/science-data/gw-modeling>
- <sup>10</sup> Chapter 62-303 Florida Statutes – Impaired Waters Rule. <https://floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-and-basin-management-action-plans>
- <sup>11</sup> Basin Management Action Plan for Lake Okeechobee: <https://floridadep.gov/sites/default/files/2025%20Lake%20Okeechobee%20BMAP.pdf> and [https://sfer-docs.sfwmd.gov/2026\\_sfer\\_draft/v1/chapters/v1\\_ch8b.pdf](https://sfer-docs.sfwmd.gov/2026_sfer_draft/v1/chapters/v1_ch8b.pdf)
- <sup>12</sup> South Florida Water Management District – Lake Okeechobee Watershed Protection Plan; <https://www.sfwmd.gov/lowcp>
- <sup>13</sup> Taylor Creek /Nubbin Slough project Summary: <https://www.sfwmd.gov/sites/default/files/documents/stastaylorandnubbinprojoverview.pdf>

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

<sup>14</sup> Sites in Martin County, FL which are permitted in 2025 to discharge to Waters of the United States pursuant to the National Pollutant Discharge Elimination System:

<https://echo.epa.gov/trends/loading-tool/water-pollutionsearch/results?s=e424989f5b6018887f01d6d00f30bfd89567d8ac>

<sup>15</sup> <https://martin.floridahealth.gov/newsroom/2025/06/BlueGreenAlgaeHealthAlert.html>

<sup>16</sup> <https://www.floridahealth.gov/environmental-health/aquatic-toxins/documents/07-18-25-martin-bga-alert-c44canal.pdf>

<sup>17</sup> <https://www.tampabay.com/investigations/2025/04/12/florida-water-pollution-algae-bloom-seagrass-manatees-springs/>

<sup>18</sup> "Lake Okeechobee has just been named the dirtiest lake in America"; WQCS <https://www.wqcs.org/wqcs-news/2025-09-19/lake-okeechobee-ranked-americas-dirtiest-lake-in-new-study>

<sup>19</sup> <https://www.epa.gov/system/files/documents/2025-01/fact-sheet-draft-sewage-sludge-risk-assessment-pfoa-pfos.pdf>

<sup>20</sup> "[PFAS Exposure and Risk of Cancer – National Cancer Institute](https://www.dceg.cancer.gov/2020-10-15/pfas-exposure-and-risk-of-cancer)". *dceg.cancer.gov*. 2020-10-15.

<sup>21</sup> Chapter 68, Florida Administrative Code - Florida Wildlife Code

<sup>22</sup> SFWMD Environmental Resource Permit #43-108864-P

<sup>23</sup> Environmental Assessment for CBR Investors, LLC., undated

<sup>24</sup> Ecological information for "Florida Grass Fed" from Royal Consulting Services, contained in Preserve Area Management Plan for CBR Investors

<sup>25</sup> The Center for Urban & Environmental Solutions (CUES) at Florida Atlantic University and the Center for Building Better Communities at the University of Florida

<sup>26</sup> Exposure to Toxic Algal Blooms: The vulnerability of Martin County's subsistence fishing communities Ocean Research and Conservation Association (ORCA) <https://www.teamorca.org/wp-content/uploads/2023/02/final-report1.pdf>

Florida Department of Agriculture and Consumer Services. (n.d.). Agricultural Best Management Practices. Accessed on July 6, 2021. [https:// www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices](https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices)

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Olexa, M. T., Borisova, T., & Davis, J. (2021). *2021 Handbook of Florida Water Regulation: Florida Right-to-Farm Act*. FE599. Gainesville: University of Florida Institute of Food and Agricultural Sciences. <https://edis.ifas.ufl.edu/fe599>

University of Florida – Institute for Food and Agricultural Sciences, 2021. The Florida Right to Farm Act: FCS3357/FY1496, 7/2021 <https://doi.org/10.32473/edis-FY1496-2021> Jana Caracciolo, Raychel Thomas, and Catherine Campbell<sup>2</sup>

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Appendix A  
Legal Issues

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Legal Analysis: Florida Grassfed Beef and meat processing Facility; Questions Requiring Independent Legal Review

### **Three Areas of Legal Concern Regarding FDACS Agricultural Exemption Claims**

The Florida Department of Agriculture and Consumer Services (FDACS) issued a legal opinion on January 6, 2025, claiming that CBR's cattle processing facility qualifies as "primarily" agricultural use exempt from local regulation. This opinion raises three significant legal questions that warrant closer independent scrutiny and research to determine the validity of FDACS's claims.

#### ***First Issue: Whether Florida law permits slaughterhouse operations to qualify for agricultural exemptions under right to farm act?***

Rule 12D-5.001(1), Florida Administrative Code, which remains in effect through June 12, 2025, appears to create a clear exclusion: "For the purposes of Section 193.461, FS, agricultural purposes does not include the wholesaling, retailing or processing of farm products, such as by a canning factory."

This rule establishes a clear legal precedent that processing operations - whether canning factories or meat processing facilities - are excluded from agricultural classification for purposes of Florida exemptions. The rule uses "canning factory" as an example of processing that does not qualify as agricultural, which directly parallels CBR's proposed meat processing operation. Both involve taking agricultural products and processing them into finished goods for commercial distribution, which Florida law treats as commercial rather than agricultural activity regardless of FDACS's contrary position.

CBR's proposed facility would process 75-125 animals per week from multiple off-site sources, which suggests commercial processing operations rather than traditional on-farm agricultural activities. Independent legal research is needed to determine whether such operations can qualify for agricultural exemptions under existing Florida law, particularly given the apparent exclusion in Rule 12D-5.001.

How can FDACS reconcile its position that meat processing is 'primarily agricultural' with an administrative rule that explicitly lists processing operations as examples of non-agricultural activities?

Even if agricultural exemptions could somehow apply despite this rule, the recent decision in *Gartman v. Southern Tactical Range, LLC*, Case No. 1D2022-3567 (Fla. 1st DCA July 23, 2025), raises serious constitutional concerns.

Additionally, on July 23, 2025, the Florida First District Court of Appeal decided *Gartman v. Southern Tactical Range, LLC*, Case No. 1D2022-3567, striking down a statute granting shooting ranges immunity from nuisance lawsuits. The court found this violated neighboring property owners' constitutional right of access to courts—a principle protected since Florida's founding in 1838.

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

*Gartman* raises serious concerns about FDACS's exemption claims for CBR. Just as the shooting range statute eliminated nuisance remedies without justification, FDACS's position could deny neighboring property owners their constitutional right to seek redress. If Martin County relinquishes regulatory authority based on questionable exemption claims, the County may facilitate a constitutional violation.

Both cases involve rural neighbors whose quiet enjoyment faces disruption from commercial operations claiming state immunity. *Gartman* demonstrates courts will not permit agencies to eliminate fundamental constitutional rights without proper justification.

### ***Second Issue: What legal weight do agency general counsel opinions carry, and who, if anyone, is bound by such opinions?***

Agency general counsel opinions generally function as internal legal guidance rather than binding legal determinations. Unlike Attorney General Opinions, which carry persuasive authority when requested by government entities, inhouse general counsel opinions do not create binding obligations on external parties such as local governments, courts, or clerks, tax collectors, property appraisers or the like.

The Authority Hierarchy is understood to be:

1. Florida Supreme Court - binding legal precedent
2. District Courts of Appeal - binding precedent within districts generally
3. Attorney General Opinions - persuasive authority when properly requested
4. Agency General Counsel Opinions - internal Agency guidance with limited external effect

**Procedural Questions:** Was the CBR opinion requested through proper channels, and are there requirements for when and how general counsel opinions can be issued? Independent review should examine whether FDACS followed any internal agency procedures for issuing opinions that purport to affect external parties' rights and whether such opinions require formal administrative processes.

**Scope Limitations:** General counsel opinions typically address internal agency operations and legal compliance, not external party rights or local government authority. This opinion appears to exceed the typical scope of general counsel authority by purporting to bind local governments and override local regulatory authority, which suggests it may lack proper legal foundation.

**Legal Effect Problems:** There appears to be no legal precedent for general counsel opinions preempting local government authority. Courts would likely give little deference to internal agency opinions on local government law, and property appraisers are not bound by FDACS legal interpretations in making agricultural classification determinations.

**Administrative Process Concerns:** Should exemption determinations affecting local government authority go through formal processes and review with public notice and comment opportunities? The opinion appears to bypass normal administrative law procedures that would typically apply to policy changes affecting external parties.

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

**Proper Procedures Comparison:** Attorney General Opinions follow established procedures when properly requested by government entities, and significant policy changes typically require formal internal processes. FDACS appears to have taken an administrative shortcut that lacks the procedural safeguards normally required for determinations affecting local government authority.

How can an agency claim binding authority to exempt facilities from local regulation when that agency's opinion lacks proper procedural foundation and exceeds the normal scope of general counsel authority?

***Third Issue: Whether FDACS has direct regulatory authority over meat processing plants, or does this authority rest with the USDA?***

Federal law appears to grant the United States Department of Agriculture (USDA) primary regulatory authority over meat processing facilities. FDACS's own regulations acknowledge this jurisdictional limitation, stating: "Foods that contain meat might fall under the jurisdiction of the U.S. Department of Agriculture (USDA) and would not fall under the authority of FDACS."

**The Regulatory Gap:** FDACS is essentially telling Martin County: "This facility is exempt from your regulations, but we don't actually regulate it ourselves - the federal government does." However, there is no evidence of active USDA oversight of CBR's proposed facility. This creates a concerning regulatory vacuum where FDACS claims preemptive authority to exempt a facility that no state or federal agency appears to be directly regulating, leaving the operation without adequate oversight from any level of government.

If FDACS lacks direct regulatory authority over meat processing facilities, what standing or authority does it have to determine local government exemptions for such facilities?

### **Martin County's Regulatory Authority Pending Independent Review**

Given these unresolved legal questions, Martin County appears to retain regulatory authority over the proposed facility pending clarification of these jurisdictional and classification issues:

Areas of Apparent County Authority:

- Land use compatibility with A-2 Agricultural zoning requirements
- Traffic impact analysis and transportation infrastructure adequacy
- Environmental review beyond state water quality oversight
- Public safety and emergency services coordination
- Preserve Area Management Plan requirements under floodplain management authority
- Comprehensive plan consistency and community impact assessment

**BMP Compliance Questions:** CBR's documented BMP violations, as evidenced by FDACS enforcement notices dated April 26, 2024, raise additional questions about whether any agricultural exemptions would apply even if such exemptions were otherwise valid under Florida

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

law. In BMAP areas like Lake Okeechobee, agricultural operations must demonstrate they can maintain "bona fide agricultural use" sufficient to comply with mandatory state agricultural requirements. An operation that cannot maintain compliance with basic agricultural standards mandated by the same agency claiming to exempt it raises fundamental questions about the validity of agricultural classification claims.

**FDACS Conflict of Interest:** This compliance issue is compounded by FDACS's conflicting positions regarding CBR. FDACS issued its opinion supporting CBR's exemption claims while simultaneously pursuing enforcement action against CBR for Best Management Practices violations. This conflict is particularly problematic because CBR operates within the Lake Okeechobee Basin Management Action Plan (BMAP) area, where BMP compliance is legally mandatory under Sections 373.4595 and 403.067, Florida Statutes, not voluntary. BMAPs are legally enforceable plans adopted by Secretarial Order. How can an agency simultaneously enforce mandatory agricultural requirements against an entity while issuing opinions supporting that same entity's agricultural exemption claims?

**Recommendation:** Independent Legal Review

These converging questions—processing exclusions, agency authority, regulatory gaps, and constitutional concerns—demand independent analysis. *Gartman* underscores the constitutional stakes when government eliminates traditional legal remedies.

The current Board of County Commissioners deserves independent legal review to verify FDACS's authority, analyze processing exclusions under *Kluger v. White*, 281 So. 2d 1 (Fla. 1973), and assess constitutional implications.

The constitutional right of access to courts cannot be surrendered based on questionable agency interpretations. Independent review ensures any decision rests on solid constitutional foundation rather than agency overreach.

Given the complexity of these jurisdictional and authority questions, and the apparent evolution in legal positions during the review process, the Board of County Commissioners should consider requesting an independent legal review from qualified local government counsel not previously involved in the matter, rather than relying solely on internal county attorney analysis.

**Rationale for Independent Review:**

Public records and correspondence suggest that Martin County's initial legal position may have evolved during the review process. Early county staff analysis appears to have treated the proposed facility as a commercial operation subject to county development review requirements. However, subsequent legal positions appear to have shifted toward acceptance of agricultural exemption claims, potentially prior to the January 2025 FDACS opinion.

This evolution in legal analysis raises important questions about the factors that influenced the change in position and whether all relevant legal authorities were fully considered. Given the

## **Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

significant implications for County regulatory authority and community welfare, the current Board of County Commissioners deserves the benefit of a fresh, independent legal analysis that examines:

5. The scope and effect of Rule 12D-5.001's exclusion of processing from agricultural classification
6. The legal weight of agency general counsel opinions on local government authority
7. FDACS's regulatory authority over meat processing facilities versus USDA jurisdiction
8. The basis for any evolution in county legal positions regarding agricultural exemption claims

### **Need for Objective Analysis:**

An independent review would ensure that legal analysis is conducted without any potential influence from previous positions, political considerations, or external pressures that may have affected earlier determinations. The complexity and novelty of the jurisdictional questions involved suggest that multiple qualified legal perspectives could be valuable in reaching sound conclusions.

Conclusion: Until these fundamental legal questions are resolved through independent analysis, Martin County should proceed with its comprehensive development review process under its established regulatory authority. The questions raised by FDACS's opinion, combined with the apparent evolution in county legal positions, are significant enough to warrant thorough independent legal research before any county regulatory authority is relinquished.

**Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

**Appendix B**

Center for Biological Diversity: The Environmental Impacts of Slaughterhouses; Fact Sheet

# THE ENVIRONMENTAL IMPACTS OF SLAUGHTERHOUSES: FACT SHEET



Slaughterhouses are a key source of water pollution and environmental degradation. Laws regulating these facilities are weak and poorly enforced, for the animals killed in the process, the workers putting body and limb on the line, and the environmental health and safety of neighboring communities. From direct disposal of pollutants to toxic runoff and water usage, slaughterhouses are significantly impairing North American rivers and streams and further endangering aquatic wildlife.

## BY THE NUMBERS

Due to American demand for meat, the number of slaughter facilities is steadily increasing, with more than 900 livestock slaughter facilities operating under federal inspection, 3,000 federally inspected poultry and processing plants (some process meat but do not slaughter), and about 1,900 state-regulated or custom slaughter facilities.<sup>1,2</sup> Approximately 25 million farmed animals in the United States are slaughtered every day.

Per capita meat consumption in the United States is estimated at 222.4 pounds annually.<sup>3</sup> Approximately 9.76 billion farmed animals are processed per year into 105 billion pounds of beef, pork, chicken, turkey, mutton, veal and lamb. In 2021 that included 55.9 billion pounds of red meat processed, with a record high of 28 billion pounds of beef.<sup>4</sup> Poultry slaughter has nearly doubled in recent decades as chicken consumption has skyrocketed.<sup>5,6</sup> The steady increase in meat production and slaughter facilities means an increase in harms to the health of watersheds and wildlife.

## WATER USE

Each year U.S. slaughterhouses use billions of gallons of water to process and render animal carcasses. For example, water use in processing red meat includes cleaning stockyard and pens, hide removal, scalding, dehairing, intestine handling, rendering, general cleanup, and meatpacking. Water used in these facilities is often contaminated with processing waste and disposed of into waterways.<sup>7</sup>

- For poultry slaughter, water usage occurs during scalding, de-feathering, evisceration, carcass washes, pre-chilling and chilling. Average water usage for slaughtering poultry is over 3.5-10 gallons of water per “broiler” chicken and 11-23 gallons of water per turkey.<sup>8</sup>

- For beef cattle, water consumption occurs in every step of the slaughter process, from live receiving to cleaning and sanitation. Average water usage for slaughtering cattle is at least 150-450 gallons per animal.<sup>9</sup>
- Slaughtering requires large amounts of water for cleaning and sterilization. The resulting wastewater contains concentrated agricultural compounds including fat, oil, protein and carbohydrates, which are biodegradable but require a high biological oxygen demand to biodegrade.
- The main polluting agent in slaughterhouse wastewater is blood. Wastewater also contains insoluble organic and inorganic particles polluting waterways.

## POLLUTION

U.S. slaughter facilities produce millions of pounds of pollution annually. These facilities discharge water contaminated with blood, oil, grease and fats, ammonia, dangerous fecal bacteria, and excrement.

- In 2018 slaughterhouses released over 55 million pounds of toxic substances into waterways.<sup>10</sup>
- According to EPA data, meat and poultry processing facilities are the second-largest industrial point source of nitrogen into waterways, discarding 27%.<sup>11,12,13,14</sup>
- Slaughterhouses are also a top producer of phosphorus, generating 14% of the phosphorus discarded into waterways.<sup>15</sup>
- Environmental Integrity Project's study of 98 large slaughterhouse facilities found that the median slaughterhouse produced an average of 331 pounds of nitrogen a day, which is equivalent to the nitrogen pollutants in the untreated sewage of 14,000 people.<sup>16</sup>
- Slaughterhouse wastewater can contain antibiotic-resistant strains of E. coli, fueling the spread of antibiotic-resistant bacteria.
- Without a clear pretreatment standard, some slaughterhouses discharge to public wastewater-treatment plants without treating waste, worsening overflow at treatment plants.
- Even with new technologies available for mitigating pollution, the past two decades have seen an increase of over 25% in direct disposal of slaughter pollutants into waterways due to weak environmental protections.
- More than 60% of the waterways that suffer the pollution from the biggest slaughterhouses are too polluted for drinking, swimming, and fishing.<sup>17</sup>

## SPECIES ENDANGERMENT

Many aquatic species are already struggling to survive in the face of climate change, drought and rising temperatures, bringing excessively low water, low oxygen, hotter water, and concentrations of harmful substances. Toxic algal blooms and chemical contamination added to existing pollution can destroy entire ecosystems. Poor oversight, regulation and enforcement of slaughter facilities — many of which have low environmental standards that are decades out of date — have created a significant threat to the survival of aquatic animals from this pollution.

- All 50 states face harmful algal blooms from nitrogen and phosphorus pollution that can sicken or kill people and animals exposed to these extremely dangerous toxins.
- According to the Environmental Protection Agency, slaughterhouses often dump wastewater directly into rivers and streams.

- Thousands of slaughterhouses in the U.S discharge into waterways, including Chesapeake Bay, the nation's largest estuary, where nutrient runoff suffocates marine life such as crabs, oysters and fish (such as yellow perch and largemouth bass) and can create mass "fish kills."
- The pollution-driven decline of yellow lance mussels (which filter algae), marbled salamander, and American eels in and around Chesapeake Bay is endangering aquatic ecosystems.
- More than 1,000 facilities store waste in onsite lagoons or spread it on land. Storms can cause lagoons to overflow or wash waste off fields, contaminating waterways and imperiling wildlife.
- A pork processing plant owned by JBS in Illinois spilled 29 million gallons of hog waste in 2015, killing nearly 65,000 fish.
- Smithfield's Tarheel Plant in North Carolina, the largest pig slaughterhouse in the United States, discharged 1,759 pounds of nitrogen a day on average into the Cape Fear River. In 2018 it was ranked the second worst polluter by the Environmental Integrity Project's report on slaughterhouse pollution.
- Compounds found in slaughterhouse wastewater, such as chromium and chemicals from cleaning products, cause changes in aquatic ecosystems that endanger fish and plant life.
- Nitrogen and phosphorus from slaughterhouse waste can cause the growth of algae that depletes the oxygen in water, creating dead zones in streams and rivers. The Gulf of Mexico dead zone is almost 7,000 square miles.
- Decomposing algae results in hypoxia, depriving marine life of oxygen. Some aquatic species, such as shrimp, suffer stunted growth.

## EQUITY AND JUSTICE

Slaughterhouses are disproportionately located in Black, Indigenous, Latino, immigrant and low-income communities. Facilities that release toxic industrial waste directly into waterways deeply impact these underserved and underrepresented populations.

- The EPA has reported that 74% of slaughterhouses that discharge pollution directly into rivers and streams are within one mile of under-resourced communities, low-income communities, or communities of color.<sup>18</sup>
- Nearly half the slaughterhouses in the 2018 Environmental Integrity Project study were in communities with more than 30% of residents at or below the poverty line, which is twice the national average. One-third of these facilities were in communities where at least 30% of the population are people of color.
- Air and water pollution from slaughter facilities leads to health problems including headaches, breathing and heart difficulties, and irritation in the nose, eyes and throats. Residents may be unable to open windows or go outside due to dangerous toxins in the air.<sup>19,20, 21</sup>
- Algal outbreaks can make water unsuitable for swimming and drinking by producing cyanotoxins that are challenging to fully filter out with waste-treatment methods.
- Slaughterhouse employees are often Black, Indigenous, Latino or immigrants, vulnerable to exposure and workplace safety violations, while slaughter, rendering and meat packing facilities are among the most dangerous operations in the United States.<sup>22</sup>

## LACK OF ENVIRONMENTAL REGULATION

The Environmental Protection Agency is charged with controlling water pollution and setting wastewater

standards for the slaughter industry. The agency's own records show three-quarters of industrial-scale slaughter facilities discharging waste into waterways violated their permits with little or no enforcement, dumping as much nitrogen pollution as small cities in some cases.

Recently, following [litigation](#) brought by the Center and key allies in the 4th Circuit, the U.S. Environmental Protection Agency [announced](#) it will update water-pollution control standards for the slaughterhouse industry.<sup>23</sup>

- One-third of the slaughterhouses violated permits more than 10 times, while 18 of the facilities had over 100 violations per day.
- Tysons Foods, one of four meat mega-corporations dominating the U.S. market, had the most environmental permitting violations.<sup>24</sup>
- The most polluting U.S. slaughterhouse ranked was a JBS pork processing plant in Beardstown, Illinois. The facility released nearly 2,000 pounds of nitrogen a day into an Illinois River tributary. JBS is one of the largest meat companies in the world.
- States delegated under the Clean Water Act to administer permitting programs are charged with setting fines for exceeding Clean Water Act permits. These fines can be set at a maximum of \$46,129 per day, but in most states, fines are often \$10,000 or less.
- Along with low fines for exceeding limits, the amount of pollution produced is unclear because meatpackers are only required to monitor their discharge no more than twice a week.<sup>25</sup>

The regulations for many U.S. slaughterhouses have not been updated since 1975, though technology has changed drastically in the past 45 years.<sup>26</sup> In 2022 the EPA settled a lawsuit from a coalition of conservation and community groups (including the Center for Biological Diversity), agreeing to update standards for water pollution from slaughterhouses.<sup>27</sup>

## RECOMMENDATIONS

Additional strategies are needed to improve waste prevention.<sup>28</sup> But the environmental impacts of slaughter facilities must be reduced by scaling down the numbers of animals processed. By addressing overconsumption and unsustainable demand for meat, dairy and seafood, the strain on the system of slaughterhouse waste and pollution of natural resources can be reduced.

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**Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Appendix C

January 6, 2025 Opinion Letter from FDACS Attorney General to Spencer Crowley regarding Exemptions of Agricultural Activities from Local Government Regulation

# Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

OFFICE OF THE COMMISSIONER  
(850) 617-7700



THE CAPITOL  
400 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32399-0800

## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER WILTON SIMPSON

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January 6, 2025

VIA EMAIL (spencer.crowley@akerman.com)

Spencer Crowley  
Akerman LLP  
98 Southeast Seventh Street, Suite 1100  
Miami, FL 33131

Re: Exemptions of Agricultural Activities from Local Government Regulation

Dear Mr. Crowley:

Thank you for contacting the Florida Department of Agriculture and Consumer Services. You have inquired whether a facility used for on-site cattle processing at Chancey Bay Ranch would be entitled to exemption from local government regulation.

As I understand it, your client (the property owner) is the owner of an approximately 2,000-acre property (the property) in western Martin County, known as Chancey Bay Ranch, which is zoned as A-2 (Rural Agriculture) and has a future land use of Agricultural. A significant portion of the property is currently being used as a grass fed and grass finishing cattle operation. Your client now seeks to implement on-site cattle processing on a portion of the property with the intent to produce grass fed, kosher beef. If this project is implemented, your client would process a mix of cattle raised entirely on the property together with cattle brought onto the property from other cattle producers at other points of their life cycle. All cattle processed at the property would be owned by the property owner or its affiliates, would graze at the property before processing and would be packaged and sold under a proprietary brand owned by the property owner.

Florida law exempts certain agricultural activities and operations from local government regulation. To determine what is exempt, the Legislature has defined several terms critical to this analysis. "Agriculture" is defined by Section 570.02, Florida Statutes, as "the science and art of production of plants and animals useful to humans ... and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production."

The Florida Right to Farm Act (Section 823.14, Florida Statutes) also provides several definitions relating to agriculture and farms. It defines a "Farm product" as any plant or animal useful to humans including "any product derived therefrom" and defines a "Farm" to include the

## Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch

“land, buildings, support facilities, machinery, and other appurtenances” used in the production of farm products. A “farm operation” is defined in Section 823.14, Florida Statutes, to mean all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, “the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor. While the slaughter of animals is not specifically addressed in the definition of a farm operations, the Right to Farm Act specifically excludes “unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life” from the types of farm operations protected by the safe harbor provisions of the act. See Section 823.14(4)(a)3., Florida Statutes. Implicit in this exclusion is the presumption that sanitary places where animals are slaughtered, are bona fide farm operation entitled to the protections of Florida law.

The pertinent exemption from local government regulation for your question is found in Section 604.50(1), Florida Statutes, which provides: “[A]ny nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.” (emphasis provided). Further, Section 604.50(2)(d), Florida Statutes, defines a “nonresidential farm building” as:

[A]ny temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.” (emphasis provided).

In sum, the exemption in Section 604.50, Florida Statutes, exempts nonresidential buildings or support structures that are 1) primarily used for agricultural purposes and 2) located on land that is A) integral to a farming operation or B) on land classified as agricultural for ad valorem purposes.

Section 604.50, Florida Statutes, and the relevant case law are silent on the issue of what constitutes “primarily” or is an “integral” part of the farm operation or the term. Generally, if the language of the statute is clear, Florida “courts will not look behind the statute's plain language for legislative intent...the statutes plain and ordinary meaning must control, unless this leads to an unreasonable result...” (Fla. Att'y Gen. Op. 2013-01 (2013), quoting State v. Burris, 875 So. 2d 408 (Fla. 2004)). Further, if a review of legislative intent is deemed necessary, “the fact that the Legislature provided no definition...requires that the word be understood in its common and ordinary sense.” Id.

**Guardians Position on Proposed Grassfed Beef Meat Processing facility at Chancey Bay Ranch**

Chancey Bay Ranch operates on land that is classified as agricultural by the property appraiser. If so, the question turns to a fact-based determination as to whether the structure is used “primarily” for agricultural purpose using the common meaning of the term. If an operational farm uses a structure for the production of farm products, in this instance, the processing of cattle into beef, that structure is “primarily” used for agricultural purposes. The structure would therefore be exempt from local government regulation pursuant to Section 604.50, Florida Statutes.

I hope this information is helpful. Please contact me if you have any questions.

Sincerely,



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