



**HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD**

Meeting Minutes

August 17, 2009

Attendance:

Board Members:

Sean Hough, Chairman
John Komsa, Vice Chairman
Ricky Bauer
Howie Feaga
James Eacker
Shirley Matlock
Lynn Moore

Public:

Wesley Earp, Howard Soil Conservation District
Jim Morris, Ecotone, Inc.
Gary Matlock, Howard County citizen

Staff:

Joy Levy, Administrator, Agricultural Land Preservation Program
Lisa O'Brien, Senior Assistant County Attorney, Office of Law
Mary Smith, Secretary, Agricultural Land Preservation Program

Action Items

1) Minutes from July 13, 2009 Meeting – Chairman Hough called the meeting to order at 7:30 p.m., and then asked for additions or corrections to the minutes of the July 13, 2009 meeting. There being none, Mr. Feaga motioned to accept the minutes as mailed. Mr. Eacker seconded the motion. The motion carried unanimously.

Discussion Items

1) Wetland mitigation policy - Ms. Levy began by reminding the Board that she provided a brief summary of the wetland mitigation issue at the July meeting. Ms. Levy introduced Jim Morris of Ecotone, Inc., stating that his request to use agricultural preservation properties for wetland mitigation projects initiated this discussion. She noted that she emailed a Maryland Department of the Environment (MDE) fact sheet about wetland mitigation to the Board members prior to this meeting for background information. Ms. Levy indicated that currently the Board does not have a policy that addresses wetland mitigation on ag preservation land, and that may be the outcome of this process.

Ms. Levy asked Mr. Morris to give an overview of what his company does and to explain in some detail what is involved when a site is used for nontidal wetlands mitigation. In particular, Ms. Levy asked Mr. Morris to explain the differences between enhancement, restoration and creation of wetlands. Mr. Morris highlighted some of the projects that Ecotone has done in the region and locally, including work on the Howard County Conservancy property. Mr. Morris provided the distinction between the three different levels of mitigation, stating that in general, enhancement and restoration projects would be more suitable than wetlands creation for preservation land

because these practices usually do not take good land out of production, whereas wetland creation most likely would. Often land that has the hydrology and soils to support restoration would at best be marginal pasture land. Because of this, Mr. Morris believes that there is the potential for projects that are both beneficial to the farmer and the environment.

Mr. Morris stated that he is interested in seeing a policy established so that there are parameters that will assist him when assessing the viability of a particular property as a wetland mitigation bank site. He stated that Ecotone always works closely with the local Soil Conservation District (SCD) to ensure that each project is consistent with SCD best management practices.

Mr. Earp of the Howard SCD noted that any policy will need to be flexible so as to allow for a case-by-case review because wetland mitigation projects are inherently complicated. He also stated that the potential value of a mitigation project will be much more dependent on site specifics than the typical forest conservation planting project.

Mr. Earp indicated that the SCD would be willing to work with the Board to review wetland mitigation requests and provide technical assistance for determining whether any given proposal should be approved.

There seemed to be consensus among the Board members after much discussion that in theory wetland mitigation planting could be compatible with the objectives of the County's agricultural preservation program. There were some concerns about using prime productive land for mitigation, but the assurance that SCD would be involved in the review process satisfied the Board members.

Ms. Levy stated that she would work with Mr. Earp on a draft policy to bring back to the Board for continued discussion at a future meeting.

2) Batch 14 Update - Ms. Levy indicated that Batch 14 closed on July 31, 2009, and that thirteen property owners applied to sell an easement to the County. She stated that she had emailed the list of applicants to Board members prior to the meeting. Ms. Levy noted that the next step in the process is to conduct site visits of all of the properties, which would begin on Wednesday, August 19. She stated that she was still in the process of arranging dates and would contact the Board members via email to coordinate scheduling.

Ms. Levy announced that the three public hearing dates have been set and are September 21, October 5 and October 19. All three will be held at the Fairgrounds, but in a different location each time. She indicated that she would provide the information to the Board members via email, and that the hearings would soon be advertised in the paper and on the County's web site.

Chairman Hough called for a motion to close the meeting. Ms. Matlock so-moved, Mr. Eacker seconded the motion. The motion was unanimously carried.

Executive Session – Closed meeting for legal advice on the process for acquisition of easements.

Chairman Hough recalled the meeting to an open session.

Mr. Bauer made a motion that July 31, 2009 would be the deadline date used to determine the status for the Implementation of Soil Conservation and Water Quality Plan (#8) and Ownership and Operation (#9) criteria on the 2009 Price Formula. Mr. Feaga seconded the motion, which passed unanimously.

Chairman Hough called for adjournment of the meeting at 10:32 PM.

Joy Levy, Executive Secretary
Agricultural Land Preservation Board