



**HOWARD COUNTY
STATE AGRICULTURAL PRESERVATION ADVISORY BOARD**

November 25, 2019

Staff Report

- Owner:** Idiot's Delight Corporation II and Idiot's Delight Inc.
c/o Ed Hereth, President
2551 Florence Road
Woodbine, MD 21797
- Represented by:** Johnson, Mirmiran and Thompson (JMT)
- Farm Location:** North and south sides of Florence Road, west of its intersection with St. Michael's Road
Tax Map 7, Parcel 471; 89.37 +/- acres and Tax Map 6 Parcel 127; 89.93 +/- acres
- Easement Designation:** MALPF File #13-79-03A&B
- Request:** Water Resources Conservation Overlay easement
- Recommendation:** Recommendation to the APAB to recommend approval to MALPF of the request to create a Water Resources Conservation Overlay easement

Summary:

Idiot's Delight Corporation II and Idiot's Delight Inc. are the current owners of the subject properties and the original grantors of the agricultural preservation easement, purchased by the Maryland Agricultural Land Preservation Foundation (MALPF) on October 18, 1981. The Hereth family comprises the membership of the corporations. The current request, known as the Patuxent Mitigation Bank, is for a Water Resources Conservation Overlay easement on 52.63 acres of the 179.3 acres total. Idiot's Delight is working with Johnson, Mirmiran and Thompson (JMT) on the project, which will create stream and wetland preservation, restoration and enhancement easement areas. The proposed overlay area includes little to no land currently in production and is in the floodplain and includes very little Class I-III soils. The Hereths have a swine and cattle operation, with about 30 head of each, and they row crop the 80 arable acres in a rotation.

Background:

Walter and Sibbald Hereth acquired the subject properties in 1965. In December of 1974, the Hereths transferred the subject properties to the family-run corporate entities that currently own them. In October of 1981, the two corporations entered into an easement agreement with MALPF. Although there were two parcels of record under separate ownership, only one easement agreement was done. In April 2004, three pre-existing dwellings that were excluded up front from the easement restrictions were subdivided from the farm. Two of the pre-existing lots

were subdivided from the Idiot's Delight Inc. property, and the other lot from the Idiot's Delight Corporation II property. In November 2016, a child lot was released for Ellen Hereth Miller from the Idiot's Delight, Inc. property.

Project:

The Patuxent Mitigation Bank project limits include Cabin Branch (Main Stem) and numerous unnamed tributaries. Cabin Branch is a direct tributary to the Patuxent River, and is located within the Brighton Dam drainage basin. It is classified as a nontidal cold water and public water supply waterway. Along the Main Stem, the project limits start approximately 2,020 feet upstream from Florence Road and extend to the downstream limits approximately 3,160 feet downstream of Florence Road. The drainage area of the Main Stem at the downstream project limits is approximately 3.07 square miles.

The Patuxent Mitigation Bank project proposes to restore, enhance and preserve more than 10,000 feet of stream and 34 acres of wetlands. The goals of the project include, but are not limited to, improving ecological function and diversity (including fisheries), sediment and nutrient reduction, and flood mitigation. This will be achieved through a variety of methods, including the removal of legacy sediments (sediment from historic intensive land use practices) and restoring the natural hydrology of the site. JMT has been working with the Howard Soil Conservation District (SCD), the Army Corps of Engineers, Maryland Department of the Environment, Maryland Department of Natural Resources and other state and federal agencies on the project to ensure it meets ecological function and diversity goals. JMT states that cooperation will continue throughout the course of the project.

According to JMT, most of the work will take place in the 100-year floodplain in areas that are not USDA Class I-III soils. These areas are marginal or non-productive farmland and/or lay wet through much of the growing season or are already classified as wetlands. MALPF policy states that the overlay will not reduce the percentage of qualifying soils on the remaining easement property not subject to the overlay below the requirements specified in COMAR 15.15.01.03D. For both parcels, the percentage of Classes I-III soils will not fall below the required 51%. See the attached Water Resource Easement Overlay Policy (#3.B.6) and JMT's maps for details.

The size of the proposed project significantly exceeds that which is allowed by #3.B.7 of the Policy, which states that any acreage beyond the 35-foot watercourse buffer may be no larger than 5 acres or 5% of the total easement acreage, whichever is less. The policy provides latitude to the MALPF Board to approve the size of an overlay above the recommended limit if the Foundation determines that the proposed size is reasonable and compatible with MALPF's statutory goals. The project proposes 52.63 acres of overlay easement, far greater than the maximum. JMT provides justification for allowing the additional acreage in #3.B.7 of the policy, primarily that the overlay area is almost entirely in the 100-year floodplain and will not have any permanent negative impacts on the tilled and grazed lands in production.

According to JMT, the project will complement and aid in sustaining the agricultural use of the property by providing direct funding to improve agricultural operations, addressing erosion on the property and lowering the floodplain and thus flood elevations, updating and adding fencing where needed, and providing additional recreation and passive economic opportunities for the landowner. A more detailed point by point description of the project's agricultural benefits can be found in #3.B.7 of the Policy.

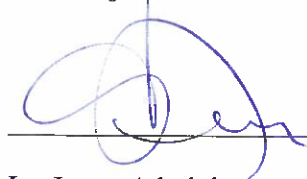
Staff Analysis:

JMT has detailed the specifics of their request and the status of various requirements per MALPF's Water Resource Easement Overlay Policy. Other than the project size, the project appears to have met most of the Policy's basic requirements. The MALPF Board will need to decide whether the large extent of the project is justified given the resource benefits and considering that the effected land is not in production. One of the Policy requirements is documentation from the SCD that the requested overlay practices will achieve the resource conservation purposes for the farm and are based on Natural Resources Conservation Service standards and specifications. SCD has provided the attached letter detailing their findings.

Staff Recommendation:

Staff recommends that the APAB recommend approval of the request to create a Water Resources Conservation Overlay easement, subject to MALPF Board approval.

Prepared by: _____



Joy Levy, Administrator
Agricultural Land Preservation Program

Date: _____

11/19/19

Attachments:

- Idiots Delight Corp II Aerial Photo
- Idiots Delight Corp II Preservation Map
- Idiots Delight Corp II Soils Map
- Idiots Delight Inc Aerial Photo
- Idiots Delight Inc Preservation Map
- Idiots Delight Inc Soils Map
- Request letter from Ed Hereth, president
- Project Delineation Maps from JMT
- Soils Maps from JMT
- MALPF Water Resource Easement Overlay Policy
- SCD Approval Letter
- Entire JMT Proposal via Email



Idiots Delight Corporation II
2551 Florence Road
Woodbine, MD 21797
Tax Map: 7 Parcel(s): 471

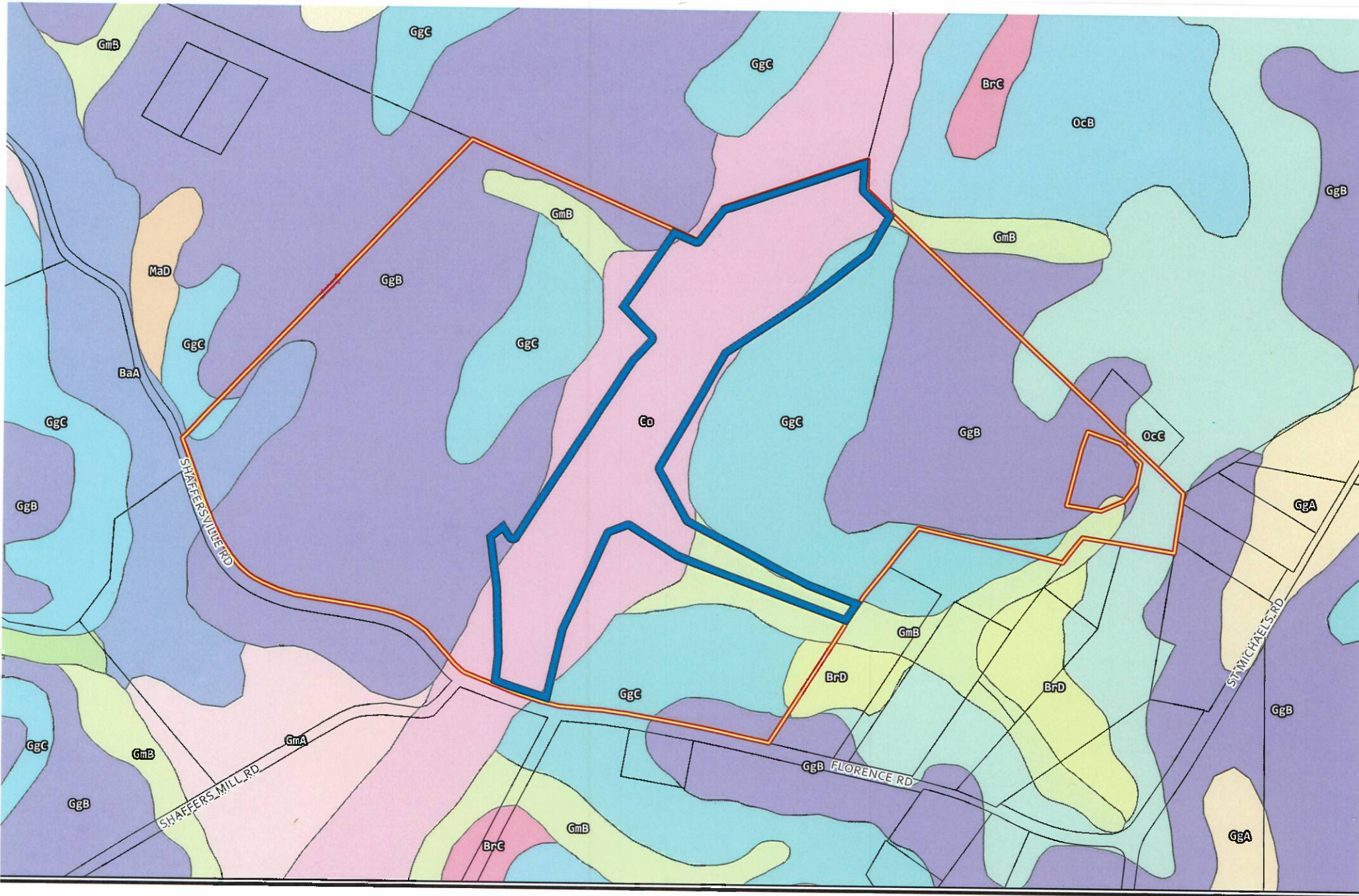
Aerial

-  Proposed Wetland Easement Boundary
-  property



Howard County Department of Planning & Zoning
Resource Conservation Division
November 7, 2019

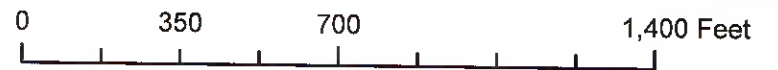




Idiots Delight Corporation II
 2551 Florence Road
 Woodbine, MD 21797
 Tax Map: 7 Parcel(s): 471

Soils

- █ Proposed Wetland Easement Boundary
- █ property



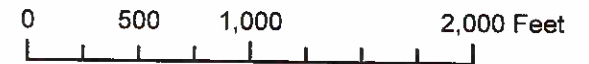
Howard County Department of Planning & Zoning
 Resource Conservation Division
 November 7, 2019





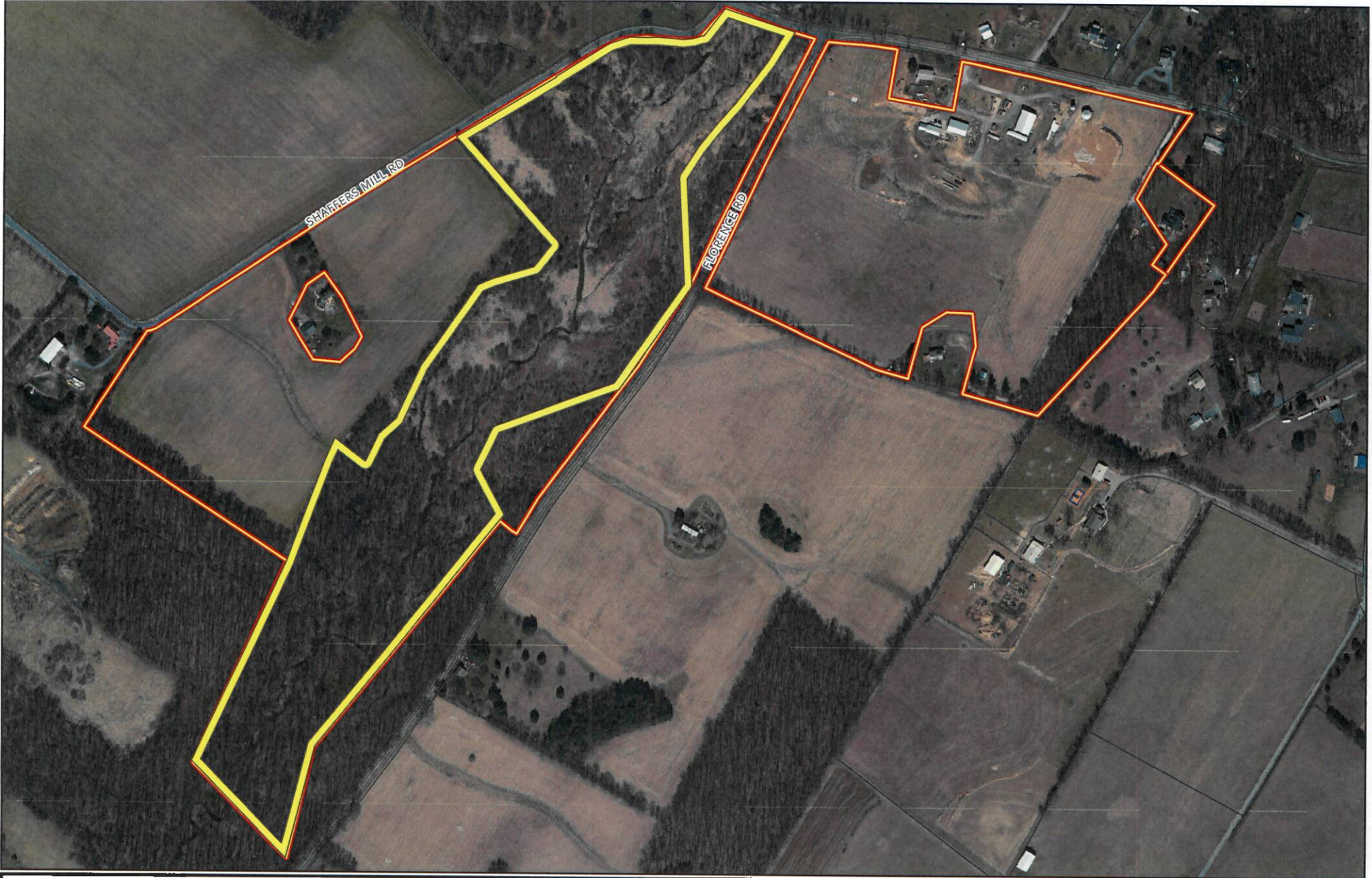
Idiots Delight Corporation II
 2551 Florence Road
 Woodbine, MD 21797
 Tax Map: 7 Parcel(s): 471

Protected Lands



Howard County Department of Planning & Zoning
 Resource Conservation Division
 November 7, 2019

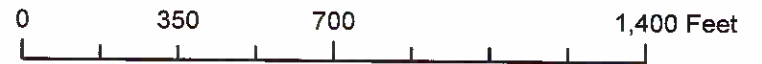




Idiots Delight INC
2570 Florence Road
Woodbine, MD 21797
Tax Map: 6 Parcel(s): 127

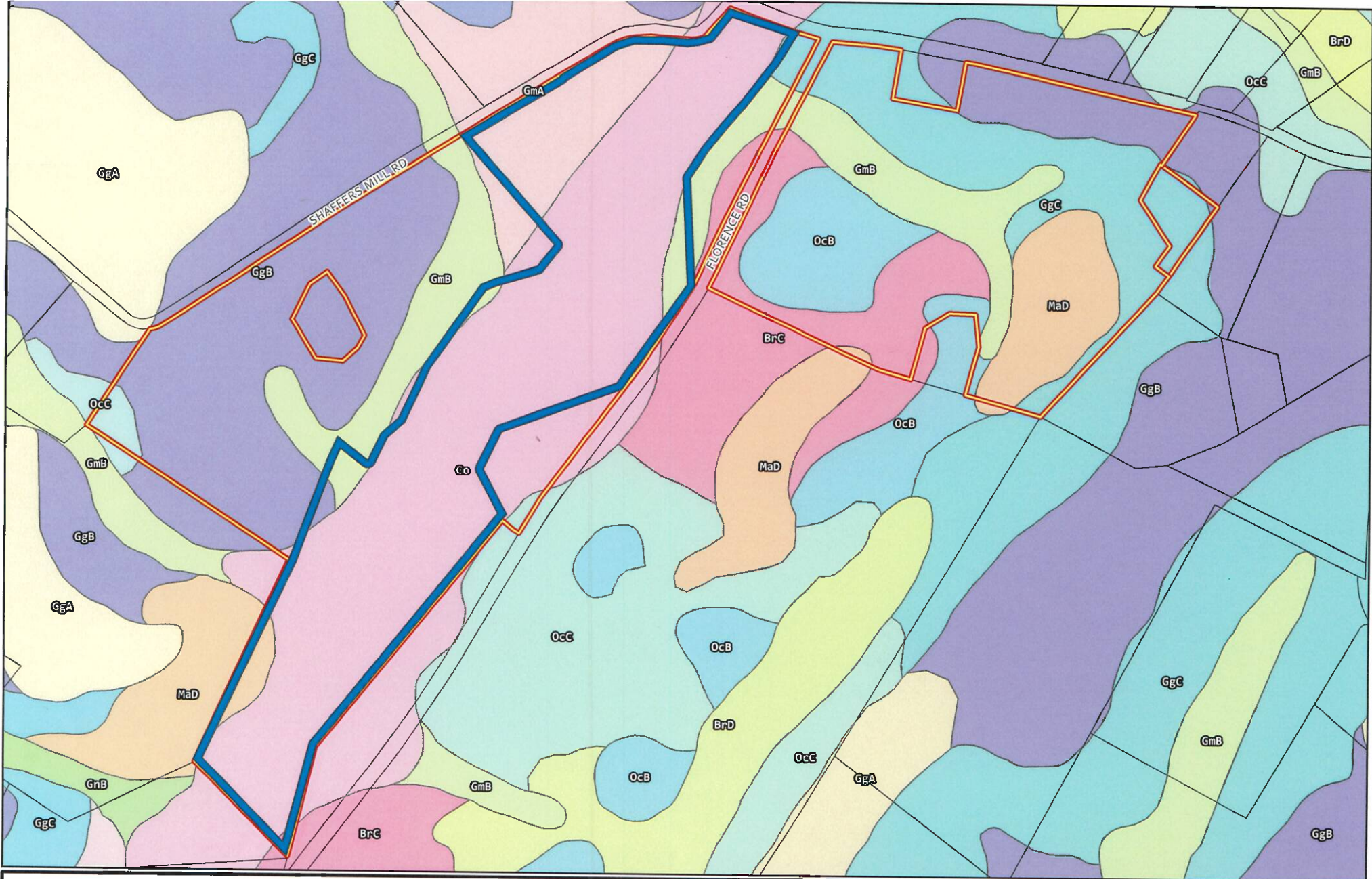
Aerial

-  Proposed Wetland Easement Boundary
-  property



Howard County Department of Planning & Zoning
Resource Conservation Division
November 7, 2019

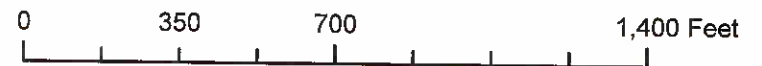




Idiots Delight INC
 2570 Florence Road
 Woodbine, MD 21797
 Tax Map: 6 Parcel(s): 127

Soils

- █ Proposed Wetland Easement Boundary
- property



Howard County Department of Planning & Zoning
 Resource Conservation Division
 November 7, 2019



Proposed Wetland Easement Boundary

property

Protected Lands

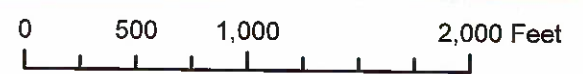
Preservation Easements

- Environmental Preservation Parcels
- Howard County Agricultural Preservation Parcels
- Howard County Purchased Easements
- Maryland Agricultural Land Preservation Easements



Idiots Delight INC
 2570 Florence Road
 Woodbine, MD 21797
 Tax Map: 6 Parcel(s): 127

Protected Lands



Howard County Department of Planning & Zoning
 Resource Conservation Division
 November 7, 2019



Ed Hereth
President
Idiots Delight, Inc. and Idiots Delight Corp. No. II
2551 Florence Road
Woodbine, MD 21797

Joy Levy
Program Administrator
Howard County Planning and Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

October 22, 2019

Dear Ms. Levy:

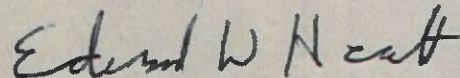
We are requesting consideration for easement overlays on Idiots Delight, Inc. (account# 1404335198) and Idiots Delight Corp No. II (account# 104335171). We are working with Johnson, Mirmiran and Thompson, Inc. (JMT) on this request. JMT will be providing detailed information about the project.

Idiots Delight, Inc. and Idiots Delight Corp No. II together encompass 177.9 acres or 88.4 and 89.5 acres, respectively. The easement overlay includes little to no land currently in agricultural production, is located in the floodplain, and includes very little USDA Class 1-3 soils (qualifying soils). The maximum easement size will be 52.63 acres or 29% of the properties.

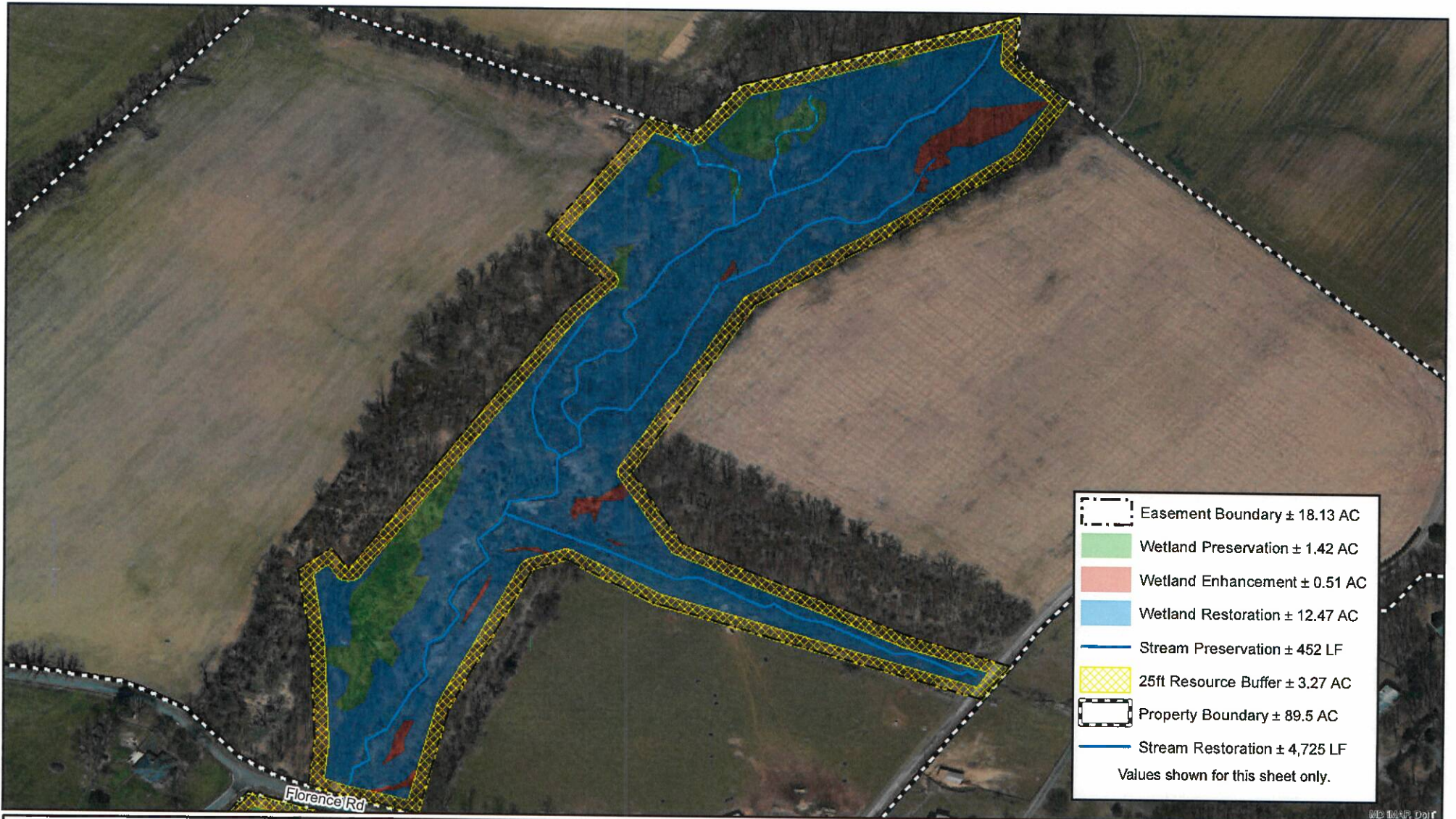
Additionally, the restoration work completed in this easement will improve water quality, address local flooding concerns by lowering the floodplain elevation, and provide passive recreational opportunities for our family and, in additional, allow us lease out the eased area for hunting and fishing.

We ask the Maryland Agricultural Land Preservation Foundation Board to please consider our request for the easement overlays.

Sincerely,



Ed Hereth
President
Idiots Delight, Inc. and Idiots Delight Corp. No. II

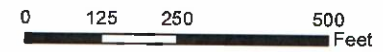


**Patuxent Mitigation Bank
Proposed Mitigation Map - North
Howard County, Maryland**

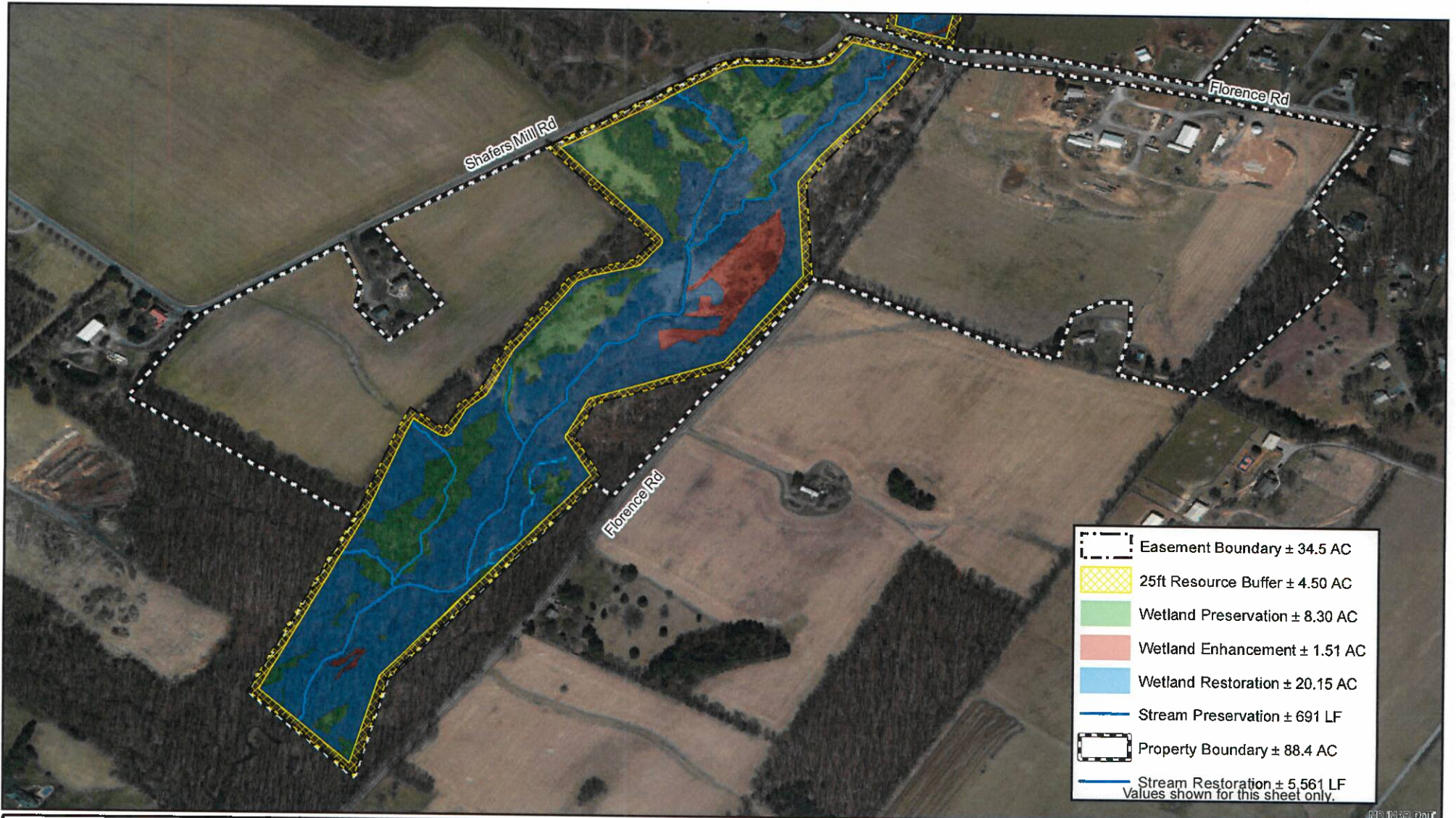
Source: MD IMAP

Date: May 2019

1 inch = 200 feet



MD IMAP D011



MD DNR DoIT



**Patuxent Mitigation Bank
Proposed Mitigation Map - South
Howard County, Maryland**

Source: MD IMAP

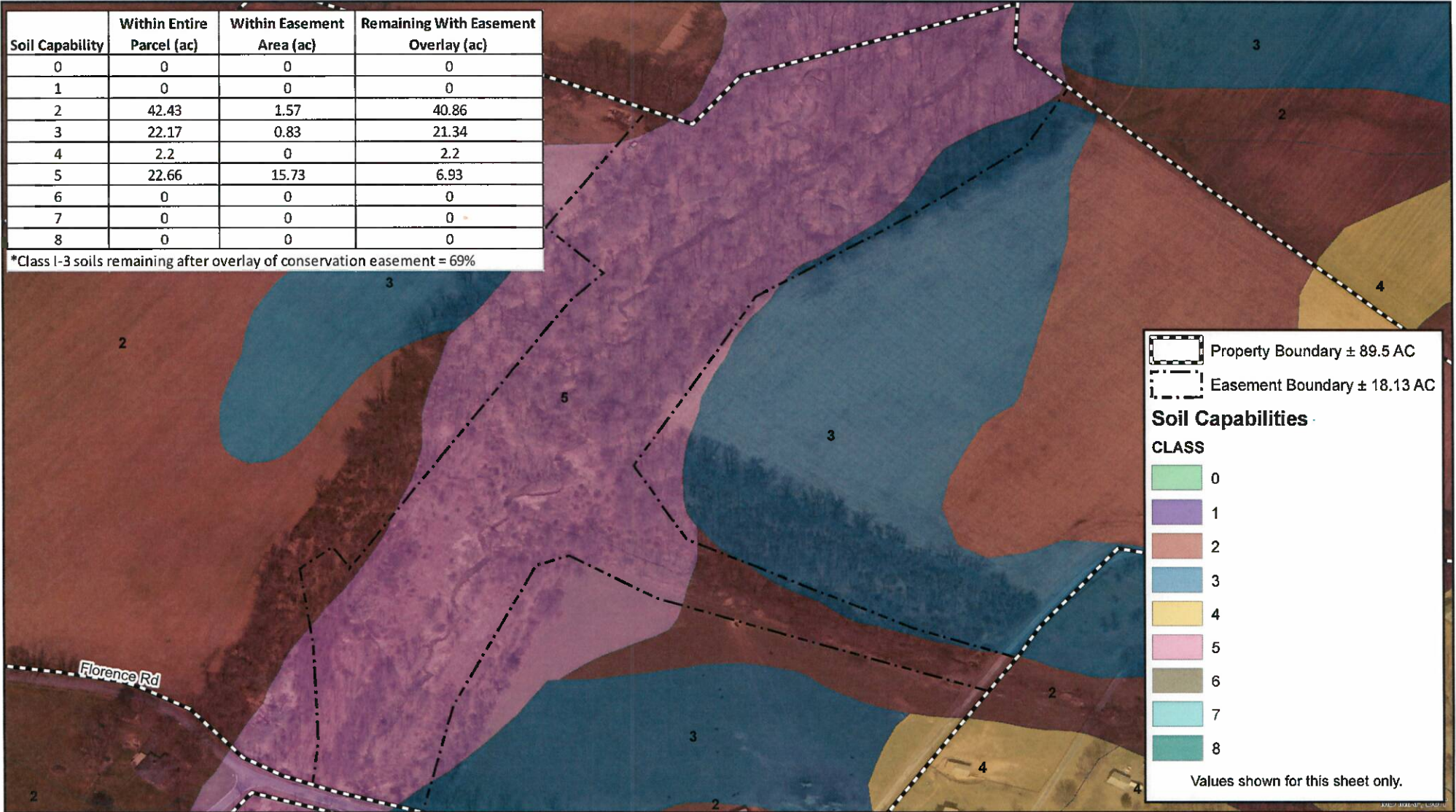
Date: May 2019

1 inch = 333 feet



Soil Capability	Within Entire Parcel (ac)	Within Easement Area (ac)	Remaining With Easement Overlay (ac)
0	0	0	0
1	0	0	0
2	42.43	1.57	40.86
3	22.17	0.83	21.34
4	2.2	0	2.2
5	22.66	15.73	6.93
6	0	0	0
7	0	0	0
8	0	0	0

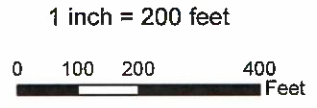
*Class 1-3 soils remaining after overlay of conservation easement = 69%

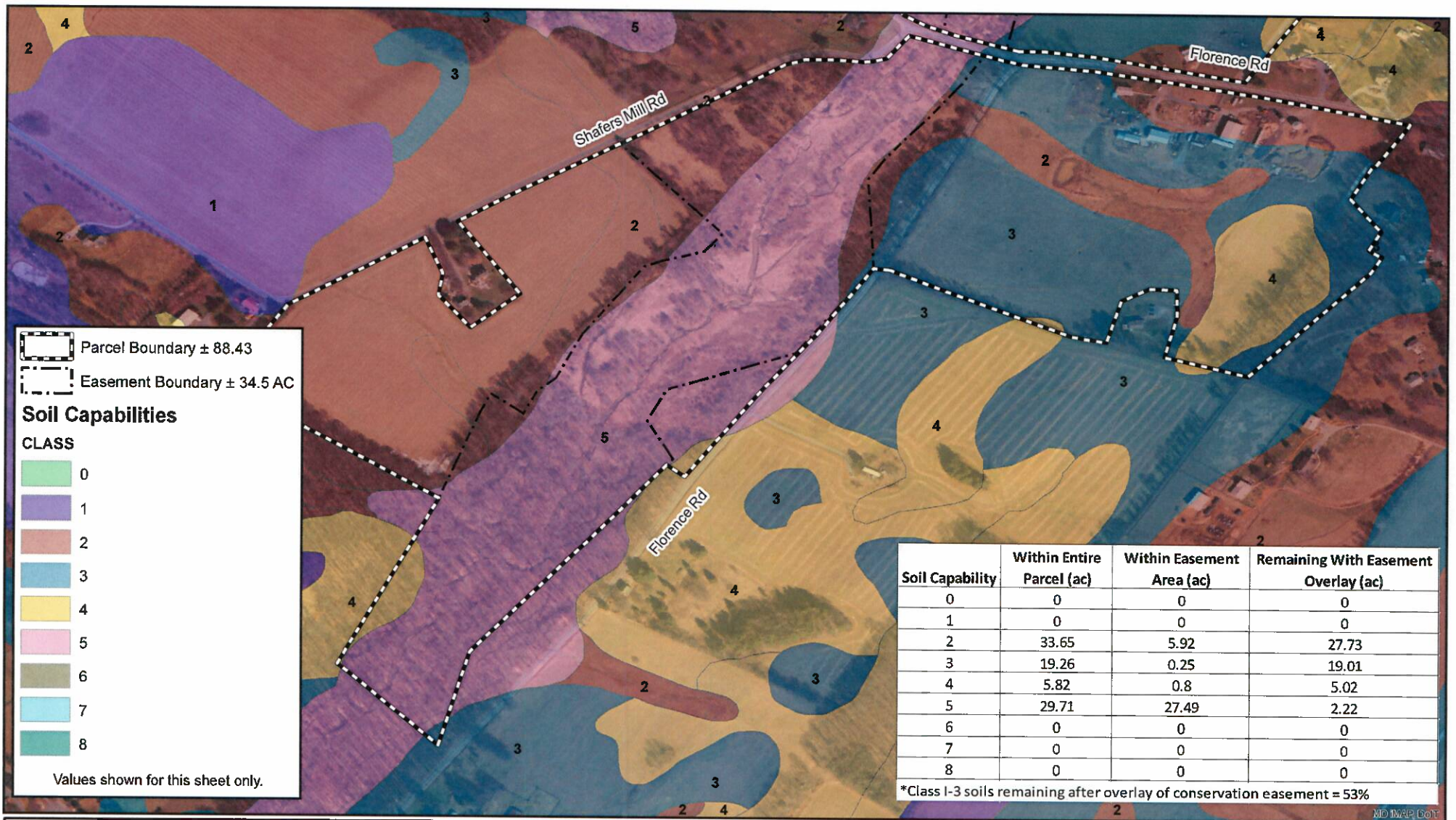


**Patuxent Mitigation Bank
Soil Capabilities Map - North
Howard County, Maryland**

Source: MD IMAP, Howard County GIS

Date: April 2019



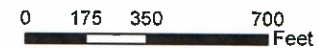


**Patuxent Mitigation Bank
Soil Capabilities Map - South
Howard County, Maryland**

Source: MD IMAP, Howard County GIS

Date: April 2019

1 inch = 350 feet



Water Resource Easement Overlays Policy

.1 Purpose.

- A. This chapter establishes the criteria and eligibility standards to approve water resource easement overlays on land subject to an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation.
- B. Water resource easement overlays on farms under easement can compromise or undermine the Foundation's preservation goals by removing land from agricultural or forestry uses.
- C. At the same time, the Foundation recognizes that water resource easement overlays can serve legitimate resource conservation purposes that are compatible with the Foundation's goals of preserving farmland for agricultural or forestry uses, as provided in the Agriculture Article of the Annotated Code of Maryland.

.2 Definitions.

- A. In this chapter the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "2008 Final Mitigation Rule" refers to 33 CFR Part 332 – "Compensatory Mitigation for Losses of Aquatic Resources."
 - (2) "Foundation" means the Maryland Agricultural Land Preservation Foundation.
 - (3) "Interagency Review Team (IRT)" means representatives from federal, State, and local agencies that meet monthly to discuss mitigation banking, Maryland Department of the Environment's In Lieu Fee Program, and general mitigation policies.

- (4) “Maryland Nutrient Tracking Tool” or “MNTT” means a Maryland Department of Agriculture approved online performance-based calculation platform that enables users to analyze agricultural parcels and their management to determine eligibility for a water resource overlay easement.
- (5) “Mitigation” means the process where the impact of various development activities, such as road construction or residential housing, is mitigated or offset by restoration, enhancement, or creation of streams and wetlands elsewhere.
- (6) “Nutrient Reduction Goals” means goals determined by the United States Environmental Protection Agency and the State to reduce nutrient and sediment run-off into waterways to meet goals under the Chesapeake Bay Total Maximum Daily Load (TMDL) and local TMDLs.
- (7) “Resource conservation purpose” means an activity that preserves soil, preserves natural resources, reduces sediment or nutrient runoff, improves either air or water quality, or any other resource conservation purpose that implements any best management practice.
- (8) “Total maximum daily load (TMDL)” means a calculation for an impaired water body of the maximum amount of a pollutant the water body can receive and still meet applicable water quality standards in accordance with federal Clean Water Act requirements.
- (9) “Water resource easement overlay” means a recorded document that restricts an existing Foundation easement property to create, restore, enhance, or preserve lands that are wetlands or adjacent to streams, shorelines, or other watercourses.

.3 Eligibility.

A. The Foundation shall review each request to create a water resource easement overlay ("Overlay") on a case-by-case basis to ensure that it will be a legitimate means to practice good stewardship of the land and that it does not compromise the Foundation's goals and interests in promoting farm and forest uses.

B. The Foundation shall not consider any Overlay request unless all of the following requirements are satisfied:

(1) The applicable soil conservation district provides written approval stating that the requested Overlay practices will achieve the resource conservation purposes for the farm and are based on Natural Resource Conservation Service standards and specifications;

- *Approval Letter from Soil Conservation District (Attachment 1)*

(2) If any projects on the property that were paid for by the Maryland Agricultural Cost Share project are disturbed as a result of the construction associated with the Overlay, the applicant acknowledges responsibility for re-establishing projects consistent with NRCS standards and specifications as determined by the soil conservation district;

- *Not applicable to this project. There have been no Cost Share Programs on this property to re-establish.*

(3) The county's agricultural land preservation advisory board provides a written recommendation regarding the Overlay;

- *Comes from County Board.*

(4) The applicant must submit the following applicable current plans: soil conservation and water quality plan, nutrient management plan, forest stewardship plan, and/or animal waste management systems plan. The applicant shall

acknowledge that the practices in the Overlay and all recommended “Resource conservation purposes” will be included in any applicable updated plans;

- *Acknowledge that the practices in the Overlay and all recommended “Resource conservation purposes” will be included in any applicable update plans*
- *See Updated Soil and Water Quality Plan (SWQP) Attachment 2*

(5) The Maryland Department of Agriculture’s Office of Resource Conservation shall provide a written recommendation regarding the Overlay, which recommendation shall assess the Overlay’s compliance with Nutrient Management Regulations and the recommendation shall provide that the Overlay is subject to a Nutrient Management Plan Implementation Evaluation by the Maryland Department of Agriculture;

- *MALPF will coordinate obtaining this information*

(6) The Overlay will not reduce the percentage of the qualifying soils on the remaining Foundation easement property not subject to the Overlay below the soils requirements specified in COMAR 15.15.01.03D;

- *The soil requirements in COMAR 15.15.01.03D specify that there must be at least 51% USDA Class 1-3 soils on the property.*
- *The overlay will not reduce the qualifying soils on the remaining foundation easement below the requirement*
- *Idiots Delight Inc. (South) Class 1-3 soils make up 60% of the soils on the property. Qualifying Soils Analysis (Attachment 3) details 53% of Class 1-3 soils will remain after the overlay.*
- *Idiots Delight Corporation II (North) Class 1-3 soils make up 72% of the soils on the property. Attachment 3 details that 70% of Class 1-3 soils will remain*

after the overlay.

(7) The total area of the Overlay shall be determined by the following:

(a) If a buffer is part of the Overlay, it must be a minimum of 35 feet from the edge of the water course;

- *Buffer area will be more than 35 feet from the watercourse. Stream will be restored and surrounded by restored floodplain wetlands. An additional 25 feet or more of buffer will be placed around the wetlands. See Mitigation Unit Map Depicting Buffer (Attachment 4)*

(b) Any acreage beyond the 35-foot buffer area may be no larger than an additional 5 acres or 5 percent of the total acreage of the easement property, whichever is less;

(c) In determining the allowable area for any Overlay, the Foundation shall consider the amount of land removed from agricultural production and whether it will compromise the capacity of the farm to support diverse forms of profitable production of food or fiber;

(d) The Foundation may approve the size of an Overlay above the recommended size limitation if the Foundation determines the proposed size is reasonable and compatible with the Foundation's statutory goals; and

(e) The Foundation Staff has the authority to approve an increase of an Overlay easement size up to 25% of the area originally approved by the Board. Any area increases greater than 25%, shall require Board review and approval.

- *The project JMT proposes to pursue on this site will occupy unused agricultural lands, and not have any permanent negative impacts on the tilled and grazed lands currently in production on the parcels. These lands are:*

- *Located nearly entirely in the 100-year floodplain*

- *In marginal, non-productive forested or scrub areas*
 - *Lay wet through much of the growing season or are classified as wetlands.*
- *The restoration work is intended to compliment and aid in the sustainability of the agricultural uses of the project. The landowner receives significant financial compensation from the project. With nearly every project on a farm we pursue, the landowner intends to utilize these monies for the improvement of the agricultural operation, or other infrastructure on the site which aids in the productivity or sustainability of the agricultural operation. Direct coordination and benefits of this include the following:*
- *Updating existing conservation plans. JMT and the landowner are meeting 9/20/2019 with SCD to coordinate this update at no cost to the landowner.*
 - *Coordinating the beneficial reuse of materials from the restoration project. This can include harvesting timber, updating/ installing/ repairing ag BMPs and addressing erosion adjacent to the easement overlay area.*
 - *Improve water quality*
 - *Addressing localize flooding concerns and increasing resiliency by lowering the floodplain and thus flood elevations*
 - *Updating or adding fencing and crossings where necessary.*
 - *Adding recreation opportunities with economic value. The landowner has the option to monetize these restored habitats through the selling of hunting leases and other compatible enterprises. This includes opportunities for waterfowl, turkey,*

deer and other passive recreational activities.

- *General clean-up of former agricultural structures, tires, and other farm debris in the easement overlay area. These activities limit liability and improve property value of the parcel.*
- *Correcting historic land use problems which contribute towards sedimentation to the Chesapeake Bay and tributaries. Though the landowner has been a good steward of their land, the opportunity to address significant erosion issues has not been available. The CREP project formerly active on the property had mixed success but did not address the loss of high silt banks due to flow events, and many CREP tree plantings have been lost to erosion.*
- *Re-marked and resolved metes and bounds survey, protecting the clear title of the property.*

- The easement overlay has additional benefits which fit with the mission of MALPF and associated agricultural land preservation programs, which includes:

- *Additional protections for open space which highly discourage the use of eminent domain to condemn this property for infrastructure usage, including funds set aside for legal defense.*
- *No restrictions on permitted uses on the rest of the property.*
- *Annual inspection of the easement overlay area, and a perpetual fund to ensure invasive weeds and other maintenance issues do not become a problem.*
- *Funds for conservation of functions and uses which MALPF did not pay for or consider in their payment. These functions are*

more habitat specific, but compatible with the agricultural uses on the property.

(8) The Overlay document is submitted to the Foundation for review and contains language:

(a) Acknowledging the Foundation's Easement; and

- MALPF has been provided a draft copy of the easement for review.

(b) Providing for the control of noxious weeds and invasive species in a timely manner, which may permit the landowner to conduct self-help if the grantee of the Overlay does not control noxious weeds and invasive species in an agreed upon time frame.

- The project is a mitigation bank with a non-wasting endowment set aside to manage noxious weeds and invasive species.

(9) When mitigation is involved and the credits are associated with a specific project, then the Overlay shall identify in writing the type and location of the development that requires mitigation, and shall recite that the county either has approved the project or believes that the development project is consistent with all local laws and requirements, including its Master/Comprehensive plan in addition to specifying that all the terms and requirements have been met as mandated by the Interagency Review Team;

(10) When mitigation is involved and the credits will be associated with future projects, the Overlay shall specify that all the terms and requirements mandated by the Interagency Review Team have been satisfied and all future installment withdrawals from the mitigation bank for mitigation requests must offset development in a priority funding area, unless the mitigation credits are to be used by an entity with condemning authority (such as MD Department of

Transportation, County Department of Public Works, Public Utilities, etc.);

- *This project is a mitigation bank and will comply with these guidelines. We ask the board to review requests to buy credits outside of the PFA on a case by case basis. For example, a homeowner may need mitigation to build a garage outside the PFA, or a family may need mitigation to rebuild or renovate a house. There are many cases where an individual or entity will need small amounts of mitigation. We ask the Board to consider requests outside the PFA on a case by case basis.*

(11) For Overlays supporting a Municipal Separate Storm Sewer System (MS4) Discharge Permit for satisfying Nutrient Reduction Goals, and that require a Wetlands and Waterways Permit from the Maryland Department of the Environment (MDE), the applicant shall provide the following information:

- (a) The Agency Interest (AI) Number if a pre-application meeting was conducted for the proposed Project; and/or
- (b) The Permit Application Number and the Tracking Number if the applicant has submitted an application for the proposed project; and
- (c) A copy of the baseline assessment conducted by a Maryland Department of Agriculture certified verifier using the Maryland Nutrient Tracking Tool to confirm that the farm under easement conforms to the requirements under COMAR 15.20.12.03. The applicant has two options to comply with this requirement:
 - (i) The applicant can provide a copy of the baseline assessment that has been completed by a certified verifier; or
 - (ii) Once the applicant provides the plans referenced in subsection B.4. above, the Foundation will submit a request to the Maryland Department of Agriculture's

Office of Resource Conservation to complete the Maryland Nutrient Tracking Tool to provide the baseline assessment of the property within 30 days.

- *Not Applicable to this project*

Depending on the information provided by the applicant in its response to (a) above, MALPF shall request that the MDE provide a written statement confirming the conduct of a pre-application meeting and/or the status of the Wetlands and Waterways Permit Application. If the applicant has not interacted with MDE, MALPF may provide MDE with information on the proposed project and request that MDE provide comments.

(12) For Overlays supporting a permit under Section 404 of the Clean Water Act,

MALPF shall request that an authorized representative of the Interagency Review Team provide a written statement regarding the status of the application under IRT review;

- *See Letter from MDE regarding status of the project (Attachment 5)*

(13) If the Overlay request is for a property subject to a Foundation easement that was approved by the Board of Public Works prior to October 1, 2004, the request shall include a statement that the landowner agrees to amend the deed of easement to waive the right to request termination of the easement after twenty-five years and to state that the Foundation's easement is perpetual;

- *See Letter from Landowner waiving right to terminate easements*

(Attachment 6)

(14) For Overlays supporting MS4 permits, the applicant shall partner with a MALPF-approved local partner and establish an appropriate endowment for long-term stewardship and management of the Overlay area, using the

endowment requirements in place under the 2008 Final Mitigation Rule as well as the requirements of Section 404 of the Clean Water Act. The Foundation shall review each project on a case by case basis to determine reasonable endowment requirements that ensure the long-term stewardship and management success of the Overlay area.

- *Not Applicable to this project*




Howard Soil Conservation District

14735 Frederick Road - Cooksville, MD 21723 - Phone (410) 313-0680, FAX (410) 489-5674

MEMORANDUM

TO: Joy Levy, Program Administrator
Agricultural Land Preservation Program

FROM: David C. Plummer, District Manager – Howard SCD 

DATE: November 14, 2019

RE: Idiots Delight 1 & 2 (Patuxent Mitigation Site)

The Howard Soil Conservation District (Howard SCD) has reviewed the preliminary plans for the Idiots Delight Mitigation project at 2570 Florence Road Woodbine, MD 21797. We understand that the stream restoration with the requested overlay practices should not conflict with the resource conservation purposes for the farm, and are to be based on Natural Resource Conservation Service (NRCS) standards and specifications. Howard SCD supports wetland creation as a best management practice to reduce sediment and nutrient delivery to the Chesapeake Bay. But we also acknowledge that the forested stream valley that was established as part of the Conservation Reserve Enhancement Program (CREP) has created a number of water quality and habitat benefits.

The Howard SCD will also see this project again during the sediment and erosion control review phase that is required on the entire project before it is permitted by the county. Throughout this process our reviewer will be able to comment and correct anything that is seen to be outside MDE and NRCS standards. The plan to keep most of the more densely forested areas at the upper and lower reaches of this project with minimal impact is acknowledged and preferred because of their maturity and current resource value. In addition, some of these forests were established with public funds as part of the CREP restoration effort, so preserving them to the extent possible is in the public interest.

Between the two heavily forested areas is a legacy sediment area that is proposed to be returned to the gravel substrates and woody structures, with overhead cover to promote cold water fisheries. The soil from this area will likely be removed and utilized elsewhere onsite. Also, the wetland creation and exclusions that are taking place should augment and compliment the functions of existing wetlands. The Howard SCD remains confident that based on the current plan and with future submissions for review, the requested overlay practices will achieve most of the resource conservation goals of the farm and will comply with current NRCS standards and specifications where applicable.