



## OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich  
*County Executive*

Tiffany Ward  
*Director*

### MEMORANDUM

February 2, 2022

To: Jennifer Bryant, Director  
Office of Management and Budget

From: Tiffany Ward, Director  
Office of Racial Equity and Social Justice

Re: Racial Equity Impact Assessment (REIA) for Supplemental Appropriation #22 MCG-06

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #22 MCG-06 is unlikely to advance racial equity and social justice in the County, as the eligibility criteria of the grant program under this supplemental request does not include smaller farms under 50 acres, which due to structural inequities are more likely to have a principal producer who is a person of color or female. As a result, the acquisition of additional easements on the agricultural preserve—through this supplemental request—is more likely to benefit farms with a principal producer who is White or male.
- II. **BACKGROUND:** Supplemental Appropriation #22 MCG-06 to the FY22 Capital Budget Agriculture Land Preservation Easements project aims to support the Office of Agriculture’s (OAG) ability to acquire additional easements on the Agriculture Reserve. The overarching goal of the County’s Agricultural Land Preservation efforts are<sup>1</sup>:
- To conserve farmland for future food and fiber production.
  - To ensure a continued high-quality food supply for our citizens.
  - To preserve the agricultural industry and rural communities.

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<sup>1</sup> Office of Agriculture. Montgomery County, Maryland. Available at: <https://montgomerycountymd.gov/ag/services/ag-preservation.html>.

The County Agricultural Easement Program (AEP) enables the County to purchase preservation easements on farmland in the agricultural zones and in other zones approved by the County Council to preserve farmland not entirely protected by Transferable Development Rights (TDR) easements or State agricultural land preservation easements<sup>2</sup>. One of the programs that enables these transactions is with funding provided by the Rural Legacy Program. State grants provided under this program allow the County to acquire easements on farms with a minimum of 50 acres of property<sup>3</sup>, smaller farms are not eligible for this program. For context, the average farm in Montgomery County was 117 acres in 2017. Average farm acreage varies by race, ethnicity, and gender of the principal producer. The 2017 Census of Agriculture data for Montgomery County shows that average acreage among principal producers who are women, people of color, and new or beginning is lower than the County average and the average among Male and White principal producers.

Principal Producer	Number of farms	Land in farms (acres)	Average acres per farm
County	558	65,537	117
Asian	12	319	27
Black	14	316	23
White	515	64,341	125
Hispanic	17	833	49
Native American/Alaska Native	4	110	28
More than one race	20	500	25
Male	363	57,397	158
Female	353	18,660	53
New and beginning	147	12,512	85
<p><b>Source:</b> Author's calculations of 2017 USDA Census of Agriculture using Table 1, 46, 47, 48, 49, 50, 51, 53, 54, 57. Available at: <a href="https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Maryland/">https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Maryland/</a></p>			

While these averages may obscure wide variation in acreage among farms with a woman or person of color as the principal producer, they serve as a consistent comparison to the County's average farm acreage. Presuming these averages are comparable to those in the Agriculture Reserve, there are important disparities to note. Lower than average farm acreage, under 50 acres, among principal producers who are women or people of color indicate that they are less likely to qualify for easement assistance through the RLP in Montgomery County compared to Male and White principal producers. The acreage

<sup>2</sup> Ag Land Pres Easements (P78891). Montgomery County, MD Capital Improvement Project Description.

<sup>3</sup> Office of Agriculture. Montgomery County, Maryland. Available at: <https://montgomerycountymd.gov/ag-services/ag-preservation.html>.

restriction in the RLP limits OAG's ability to reach farmers of color and women farmers with the financial assistance afforded through this easement program.

Using a racial equity lens sheds light on the extent to which programs structured similarly to the RLP consider and respond to racial inequities in farming that produce disparities such as those apparent in the average farm acreage by principal producer race, ethnicity, and gender. The history of structural racism in farming is complex and has far reaching impacts on who owns, accesses, and benefits from farmland<sup>4</sup>, with one scholar concluding, "despite greater diversity in the U.S. population overall and seeming progress in other areas of racial equity, farming in this country appears to be as segregated as it was a century ago"<sup>5</sup>. The impacts of and lack of reparations for chattel slavery, the Homestead Acts and absence of similar reparations for Native Americans, along with the California Alien Land Law of 1913 cannot be understated<sup>6</sup>. These historical injustices along with inequities in education and the labor market have deeply impacted current racial disparities in wealth<sup>7</sup> and ownership of land and other assets. As a result, even as the agricultural industry faces challenges overall, farmers of color and women face unique barriers. In 2018, researchers found that farmers of color were more likely to be tenants than owners; they own less land and smaller farms and generated less wealth from farming than their White counterparts<sup>8</sup>. Further complicating these barriers, at the federal level, are ongoing efforts<sup>9</sup> to rectify cases of discrimination<sup>10</sup> in USDA programs.

cc: Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

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<sup>4</sup> Megan Horst. "Ongoing Impact of Racism on the U.S. Farming Landscape". Civil Eats. January 25, 2019. Available at: <https://civileats.com/2019/01/25/new-research-explores-the-ongoing-impact-of-racism-on-the-u-s-farming-landscape/>

<sup>5</sup> Horst.

<sup>6</sup> Horst.

<sup>7</sup> Jean Willoughby. "Envisioning Racial Equity in Agriculture". Racial Equity Institute. April 2, 2019. Available at: <https://www.racialequityinstitute.com/blog/2019/4/2/envisioning-racial-equity-in-agriculture>

<sup>8</sup> Horst.

<sup>9</sup> Megan Boyanton. "Agriculture Equity Panel Takes on Racial Disparities in Farming". Bloomberg Government. September 24, 2021. Available at: <https://about.bgov.com/news/agriculture-equity-panel-takes-on-racial-disparities-in-farming/>.

<sup>10</sup> Congressional Research Service. "Racial Equity in Farming: Background in Brief". November 19, 2021. Available at: <https://crsreports.congress.gov/product/pdf/R/R46969> and "The Pigford Cases: USDA Settlement of Discrimination Suits by Black Farmers". Available at: <https://www.everycrsreport.com/reports/RS20430.html>.

**From:** [Criss, Jeremy](#)  
**To:** [Harrigan, Derrick D.](#)  
**Cc:** [Scheffel, Mike](#); [Arnold, Jacqueline](#)  
**Subject:** RE: Questions on #SA22 MCG-06 to the FY22 Capital Budget  
**Date:** Wednesday, January 19, 2022 11:35:00 AM

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Derrick,

I am responding to your message below.

The OAG proposal to provide access to land for new and beginning farms including BIPOC farmers was contingent upon the appropriation of County Funding as part of our FY23-28 Ag Land Preservation CIP. The CE did not support our recommendation for \$5.0 million in County Funding that would be used for purchasing easements on both large and small farms less than 50 acres.

The Supplemental Appropriation consists of State funds that are specifically used for purchasing easements on large farms greater than 50 acres.

The OAG cannot use State funds to address the OAG proposal and recommendations of the Office of RESJ. Please let us know if you would like to discuss this further including the specific properties that are tagged for the Supplemental Appropriation-State Funds.

This includes the State Funds for Rural Legacy Program Grant and the reimbursement from Parks for the State Funds used to purchase the Broad Run Creek Farm where the AEP Easement was terminated.

Thanks J

Please take a moment to answer this quick satisfaction survey about our interaction today:

<https://forms.gle/yXhnxpQLtHgFPtBX6>

Jeremy V. Criss  
Office of Agricultural Services, Director  
18410 Muncaster Road  
Derwood, Maryland 20855  
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CONNECT WITH The Office of Agriculture



Montgomery County Ag Reserve  
93,000 acres

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**From:** Harrigan, Derrick D. <Derrick.Harrigan@montgomerycountymd.gov>  
**Sent:** Wednesday, January 19, 2022 10:22 AM  
**To:** Criss, Jeremy <Jeremy.Criss@montgomerycountymd.gov>  
**Cc:** Scheffel, Mike <Mike.Scheffel@montgomerycountymd.gov>; Arnold, Jacqueline <Jacqueline.Arnold@montgomerycountymd.gov>  
**Subject:** FW: Questions on #SA22 MCG-06 to the FY22 Capital Budget

Hi Jeremy,

How would you like to respond to the Office of Racial Equity and Social Justice, sir?

Thanks,

Derrick

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**From:** Alvarez, Sarah <[Sarah.Alvarez@montgomerycountymd.gov](mailto:Sarah.Alvarez@montgomerycountymd.gov)>  
**Sent:** Wednesday, January 19, 2022 9:55 AM  
**To:** Harrigan, Derrick D. <[Derrick.Harrigan@montgomerycountymd.gov](mailto:Derrick.Harrigan@montgomerycountymd.gov)>  
**Cc:** Ward, Tiffany <[Tiffany.Ward@montgomerycountymd.gov](mailto:Tiffany.Ward@montgomerycountymd.gov)>  
**Subject:** Questions on #SA22 MCG-06 to the FY22 Capital Budget

Hi Derrick,

Hope this message finds you well.

I'm working on a Racial Equity Impact Assessment (REIA) for Supplemental Appropriation #22-53 Ag Land Preservation. In order to assess the extent to which this supplemental advances racial equity and social justice in the County, we would like to understand more about the transaction described and opportunities mentioned in the January 12<sup>th</sup> CE to Council memo:

- Could you shed some light on the beneficiaries or specifics of the land involved in the transaction (how the land will be used, the impact on the county's Ag land preservation overall and how that relates to BIPOC farmers)?

I appreciate your and OAG's efforts with the RESJ tool responses, I just need a little help connecting the dots:

- Could you explain how a transaction like this—which increases the county's ag land preservation—helps address the access to land barriers described in the tool response?
- Similarly, could you explain more about how reducing the acreage requirements to 50 acres will help to increase land for farmers of color?

With your responses, we'll be in a better position to complete our assessment of potential racial equity impacts. Also, if there is a more appropriate person to direct these questions to, please feel free to forward with a copy to Tiffany and me.

Thank you,  
Sarah

Sarah Alvarez  
Program Manager, Policy Analysis  
Office of Racial Equity and Social Justice  
Montgomery County Government  
Cell: 202 921 8428  
Pronouns: she/her/hers