

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
March 8, 2024

Approved
4/12/24

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held virtually on the Zoom platform and in person on Friday, March 8, 2024.

People Present:

Robert Butz, Chairman
Robert Butts, Vice Chairman (Virtual)
Linda Lewis, Supervisor
Tim McGrath, Treasurer (Virtual)
Tom Linthicum, Associate Supervisor
Kelly Nichols (UMD)
Mike Scheffel (OAG)
Natalia Salazar (OAG)
John Zawitoski, District Manager (MSCD)
Sam Engler, District Conservationist (NRCS)
Karen Walker, Office Service Coordinator (MSCD)
Kathleen Sigwart (MDA/MSCD) (Virtual)

The District Manager, John Zawitoski, indicated that we have a quorum, and the Chairman, Robert Butz, called the meeting to order at 8:58 a.m. The Chairman asked if Adam was online to present his report and John responded Adam is scheduled to join us, but he is currently not online. The Chairman then invited Kelly to present the report for Extension.

Agency Reports:

EXTENSION – Kelly Nichols - U of MD Extension - greeted the Board of Supervisors and noted Extension is in the middle of the Beginning Farmers classes, and at the last class there were 50 participants joining online. Kelly explained that close to half of the participants are from Montgomery, Howard, and Frederick Counties and noted Bill Tharpe from MDA's Small Farm and Urban Agriculture Program was a presenter for the class. Kelly asked the group if there were any beginning farmers that the Board might be aware of that could benefit from this program to please direct them to Kelly for next year's class. She then mentioned that there are a couple of projects going on this summer but one that she is spearheading concerns organic herbicides in turf for weed control. There is an iron-based product that is new this year that is being evaluated. Additionally, she will be evaluating applications to stiltgrass too. Kelly reported that Extension's Entomologist has a grad student doing slug research with soybeans but not corn. If anyone thinks they have a problem with slugs in their soybean crop and would like her to come out and set traps, please let Kelly know. John noted that at the Agronomy Update Meeting it was mentioned that slugs seem to be a particular problem in some areas depending on the location's environmental conditions in the state.

Kelly recently learned the University (<https://mesonet.umd.edu/>) will be installing a series of weather stations and two are scheduled for Montgomery County. There will be one in Poolesville and the other down-county. The stations will measure soil temperature, soil moisture, air temperature, rainfall accumulation, and snowfall accumulation. There are 50 weather stations that will be installed throughout the state and Kelly shared that is good news. Finally, Kelly noted that Amanda has been helping out writing nutrient management plans and she was told last week interviews were held for the position and hopefully there is a qualified candidate that will start soon. After Kelly presented her report, the Chairman invited Mike to present the report for the Office of Agriculture.

OFFICE OF AGRICULTURE – Mike Scheffel presented the report for the Office of Agriculture and noted many of the items on the report were reported in the February meeting. Below are items that were addressed.

- **Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs.** The OAG will continue to monitor the process of the Planning Department providing recommendations to the County Council on these programs. (No update)
- **ZTA 23-09, Farming – Incidental Outdoor Stays:** On March 1, 2024, Councilmembers Marilyn Balcombe and Dawn Luedtke and their chiefs of staff met with Doug Lechliger (representing Montgomery County Farm Bureau), Bob Cissel (Montgomery Agricultural Producers), Caroline Taylor (Montgomery Countryside Alliance), and Steve Findlay (Sugarloaf Citizens Association) at the OAG office. The two Councilmembers indicated that the Planning, Housing, and Parks Committee work session on this ZTA will likely be scheduled for June and in the meantime, they are to seek input from stakeholders on amendments to the ZTA that would alleviate as many concerns as possible. They emphasized that they are both opposed to the ZTA as currently written, but without any feedback from the agricultural community, this ZTA will likely pass with the recommendations set forth by the Planning Department’s Report on ZTA 23-09. They did not receive any input on amendments from the representatives at the meeting, but they are still open to feedback between now and work session. Mike shared details on the two options to approach this matter and this led to a lengthy discussion. Linda commented that Mike’s presentation on the meeting that she attended was on point.
- **SB1082/HB1328, Solar Energy and Energy Storage - Development and State Procurement:** Mike shared this bill will probably pass this year’s session. This state bill would create the Utility-Scale Solar Design and Siting Commission, which would provide recommendations related to solar energy development and land conservation and preservation, including an approach for solar development on prime and productive soils that does not include soil classification prohibitions.

It would also require the MD Energy Administration Solar Technical Assistance Program to develop a database identifying and recommending State land suitable for solar development, including land held under easement by the MD Agricultural Land Preservation Foundation (MALPF) and Dept. of Natural Resources (DNR). By December 1, 2025, MALPF would be required to submit to the Solar Technical Assistance Program: "(1) A list of real property owned, and conservation easements held by the foundation; (2) The funds required to renew each conservation easement; and (3) Recommendations concerning requirements for the State to return land held by the foundation under a conservation easement to its original condition." The OAG will be tracking this bill closely.

- **HB0798, Montgomery County - Alcoholic Beverages - Class D Beer and Wine License** – Farm Breweries and Limited Wineries: Mike has not received any recent inter-governmental office updates on this bill and noted previous versions of the bill failed. The bill was unsuccessfully presented in the past 5 or 6 legislative sessions. Mike shared the concept of the bill would allow Farm Alcohol Producers to sell other alcohol items produced on the farm.

This state bill was introduced by the Montgomery County Delegation to the General Assembly and has not yet moved beyond the House. It would allow Montgomery County farm wineries and breweries (Class 4 “limited winery” and Class 8 “farm brewery” State license holders) to apply for a County Class D license to sell beer, wine, and cider produced by other Class 4 or Class 8 license holders for both on- and off-premises consumption. Some of the county breweries and wineries have indicated they would like to offer other farm-produced alcohol besides their own during tastings.

- **Visit Montgomery Rural Branding Initiative.** Visit Montgomery received a grant from the Economic Development Administration for branding and marketing agritourism businesses in Montgomery County.

After receiving feedback from the agritourism businesses in the county, on February 28, 2024, the OAG and Visit Montgomery hosted a second listening session to receive input from other stakeholder groups. With the information they collected during both sessions, Visit Montgomery will hire a consultant to generate branding and marketing recommendations and will convene subsequent focus group discussion meetings. Mike feels there was good feedback from all parties involved and the result will be a good product.

- **Vacancies Announced for APAB, AAC, RRAC:** Mike explained that the OAG has been successful in filling the open positions. As a correction to the OAG's February report, five (not four) candidates were nominated to the Agricultural Advisory Committee (AAC): three farmer members (Paula Linthicum, Fred Lechliger, Tom Precht, and Jeff Dowling) and one non-farmer member (Ellen Gordon). All five were appointed by the County Council on February 26, 2024.

The three candidates nominated for the Agricultural Preservation Advisory Board (APAB) – two farmer members (Sarah Daken and Randy Stabler) and one non-farmer member (Nick Magliato) – were appointed by the County Council on February 26, 2024. There is a new vacancy announcement for the remaining APAB vacancy. Mike requested that if the Board knows of any available candidates, let him know. The application period closes the 22nd of this March.

The farmers that applied to the Rustic Roads Advisory Committee (Tom Linthicum, Mason Hopkins, and John Jamison) have been contacted by the County Executive's office for interviews. Tom remarked that he has not heard anything since the interview.

After Mike shared the OAG report, Natalia mentioned National Agriculture Day and Mike shared the email was sent out for the event that is scheduled for March 19th at noon, the same as it was last year. If you have not received an invitation, let Mike know.

Upcoming Meetings and Events: Agricultural Preservation Advisory Board meeting: March 12, 2024; Agricultural Advisory Committee meeting: March 19, 2024; National Agriculture Day County Council Luncheon and Proclamation: March 19, 2024; Montgomery County Farm Bureau Board of Directors meeting: April 2, 2024.

SECRETARY/ TREASURER'S REPORT - Chairman Robert Butz addressed the approval of the Board minutes and noted all have received a copy of the minutes and asked if there were any changes or corrections. Having no changes, a motion was made by Linda Lewis, seconded by Tim McGrath, and passed, approving the February 9th Board of Supervisors Minutes. The Chairman then asked Karen to present the financial report. Karen noted the checkbook and bank statement have been reconciled and she has not received any invoices or donation requests this month. The only upcoming expense that she is aware of is for the Envirothon and for booking attendance to the Annual MASCD Summer Meeting (July 8th, 9th, and 10th). Having no expenses to address, Karen recommended to file the February MDA Financial report. A motion was made by Linda Lewis and seconded by Tim McGrath to submit the February MDA Financial report.

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE – The District Conservationist, Sam Engler, presented the Activities Report and noted there are 14 conservation plans for approval in the Executive Session. The report shows there are numerous conservation plans in progress and Sam noted Charley is involved with a lot of small pond review and approval activity. Additionally, Sam provided some program updates and said he would address any questions the Supervisors may have. The Supervisors did not have any questions and Sam said he would share details on the conservation plans in the Closed Session.

DISTRICT MANAGERS REPORT: NEW BUSINESS

FSA & NRCS Office Space/Lease Study - On February 26th, FSA and NRCS state personnel came to the AHFP to conduct space evaluation associated with space being leased by the federal government. John indicated that he was not made aware of this visit to conduct this analysis. From a passing conversation with one of the reviewers, it was noted that spaces not meeting federal lease requirements would likely involve a relocation. One metric they are evaluating are EV charging stations for federal fleet vehicles. A condition of the lease will require the building owner to install charging stations. John reached out to Adam to discuss SCD offices where there no longer was a federal presence and John summarized the information conveyed to him by Adam. He indicated that he had talked to Byron about this issue. As in the case with Charles, NRCS won't keep a server in the office if they're not housed there. Employees will have to VPN onto the network through wireless internet. Also, they will not have an NRCS printer option as well, as they do not allow locally connected printers. SCWQP files stay with the SCD, as the district is the "owner" or custodian of those files. The NRCS leasing process is very rigid nationwide and the national office appears to care very little about the impact on Maryland's unique partnership.

The Chairman inquired when the NRCS/FSA lease expires. John responded that he wasn't sure, but he thought it was renewed every three years. Sam shared that he does not believe there is going to be any change in both FSA and NRCS in the short term and at least at the local level they are advocating their desire to stay. There was a lengthy discussion on this matter, and all noted that producers like the one stop shop for all agriculture agencies. The Chairman thanked John for bringing the matter to their attention.

Permanent Seeding/Sod Guidelines (Cert Sod) - This information was provided in the Supervisors' packets as an FYI. The State Soil Conservation Committee is reviewing how permanent seeding and sod guidelines requiring the use of State Certified Sod are being implemented across the State. These requirements for stabilization in State law apply to all projects where permanent stabilization is required. The more predominant use of State Certified Sod is normally associated with developed land uses however there are cases where this requirement could apply to a land conservation practice. The District may need to engage the County DPS and inform them of this requirement in State law as they are involved in the majority of E&S projects in the County requiring sod for stabilization.

Providence Legislative Update - Provided in the Supervisors' packets was a copy of a presentation that was given to the State Soil Conservation Committee regarding legislative updates. There are still a few bills that are problematic for Districts and John noted HB1101 and SB932/HB1042 remain a big concern. John feels that HB1101 is the biggest problem and he provided details on HB1101, including the fact that Districts and staff or other individuals can be named as individuals in a lawsuit if this bill is passed. Mike provided a scenario according to this bill in which an individual can sue the District. It was mentioned that MACO strongly opposes the bill and the MACO organization is strong enough to get the bill killed. The Chairman asked if the Montgomery County Delegation was aware that this is not a good bill and John responded yes. John shared the written opposition was submitted to Providence and Mike commented that other intragovernmental agencies are aware this is a bad bill. The Chairman shared a letter needs to be sent to the Montgomery County Delegation stating the District is opposed to the bill.

SB932/HB1042 - Maryland Agricultural BMP Best In Show Program – Established - Both bills were discussed previously. This bill may take funding from existing cost share programs. While not specifically named in the bill, as a matter of practicality, Districts would be greatly impacted as they are the local delivery mechanism for conservation programs. If this bill passes and the District is expected to assist with its implementation, it would represent a fundamental shift in how conservation programs are delivered at the local level. Districts do not possess the expertise to meet all the requirements outlined in this Bill. The bill would require each District to have an implementation, monitoring, and verification person on staff to provide this level of assistance to cooperators. There was also a short discussion involving legislation concerning PFAS and

pesticides. Maryland Grain Producers are fiercely opposed to this proposed legislation and it's looking likely these bills won't move this session.

March 21st SSCC – Tree Clearing for Ag - The State Soil Conservation Committee is taking up a discussion concerning the increasing number of requests Districts are receiving concerning clearing of forest land for agricultural purposes. Districts are struggling to determine whether it is appropriate to provide technical assistance for tree clearing. Often requests like these require compliance with local forest conservation law. John shared MSCD had received a request for tree clearing to convert to an orchard and after the trees were removed there was no agriculture activity ever conducted and ended up for sale for residential purposes shortly thereafter. The District should be sensitive to the clearing of these lands, especially considering state forest retention requirements. In any event, the SSCC will take up this discussion at the March 21st meeting and John encourages Supervisors and Staff to attend remotely.

Proposed Mar/Apr SCD WIP Progress Meetings - As a heads up, we likely will be asked by MDA over the next few weeks to reserve time to discuss each SCD's WIP progress. The meeting will only address WIP goals for Montgomery County. Once he knows the date and time, John will reach out to supervisors to let them know.

MSCD/HSCD Joint MACs Training March 14th - MSCD and HSCD staff will conduct a joint MACS Training in the Howard Office on March 14th. The training was cancelled due to a personal matter involving the meeting trainer.

MASCD Awards Due – April 18th - We received notice from MASCD that this year's awards are due to the MASCD by April 18th. This is a lot earlier than usual because of the Summer Meeting being held so early in July this year. This means we will have to complete our District Annual Report to the Association by the end of March. John is currently working on this report and should have it completed and available to the April board meeting.

FY23 WQPC Annual Report Submitted to DEP - A copy of the FY23 WQPC Annual Report was provided in the Supervisors' packets. This report has been finalized and submitted to DEP. DEP has confirmed receipt of this report and is processing our FY24 \$70,000 Cost Share payment to the District. The Chairman noted that the District has received the \$70,000 for the past 10 years and asked if it is time to seek additional funding. John explained that at this time, it may be a tough ask given just last year DEP infused an additional \$125,000 in WQPC funds in the hiring of the District engineer. There are so many entities competing for the use of these funds, DEP has indicated additional asks would require raising the fee and that at this time the County Executive is not seeking to raise the fee.

MDA FY25 Operating Budget Request - MSCD received from MDA the FY25 MDA Operating Budget Request documents for John to prepare the District's Operating Budget to MDA. We have been asked to return the budget request for to MDA by March 31st. John said MSCD budget requests will look a lot like last year's submission and he provided details on the strategy to address the budget submission and limit requirements. Basically, the funding amount will be unchanged from FY24. John shared the budgeting agreement process and MDA wants it finalized and approved by June.

Planning Board Meeting with Ag - The Montgomery Farm Bureau reached out to the SCD and OAG about arranging for a discussion with the Planning Board about the importance of agriculture and the history of the creation of the Ag Reserve. Based on some recent comments made by Board members, it appears they may have a fundamental misunderstanding regarding the County's Ag Reserve. Some concerns by the ag community were noted from the Planning Board's recommendations concerning overnight incidental stays in the AR zone. The meeting will be held at the AHFP and is scheduled for March 29th from 10:30 AM-12:30 PM. John shared with the Farm Bureau that MSCD can help with the refreshments for the event.

Old Business

MASCDS Board of Directors Meeting 3/26/24 - Just a reminder that the next MASCD BOD meeting will be held on March 26th and the Chairman noted that he will be attending. Normally this meeting has been starting around 9 am. John indicated that he hasn't yet received a notice from MASCD but they have been offering both virtual and in person options. The last BOD was held at MDA.

Thank you from Taste of MD Event - Provided in your Supervisors packet is a nice thank you from the Ag Commission for the District's Donation to the Taste of Maryland Event. The Supervisors expressed during our February meeting the desire to continuing to be a sponsor for this event.

SSCC – Farm Bureau Appointment Update - We have coordinated with Farm Bureau the appointment package to replace Robert Butts as the Farm Bureau representative to the MSCD Board. The appointment package was sent last week to the SSCC. Hopefully they will be prepared to act on the appointment during their March 21st meeting. John shared with Tom the process of becoming a Supervisor and noted that he will have to take an Oath of Office.

Pax Policy Board Annual Meeting Summary- John spent a few minutes summarizing the annual policy Patuxent Policy Board meeting that was held on Wednesday afternoon prior to the Board meeting. No large ag initiatives, aside from a Rented Lands Survey being conducted jointly with the Howard and Montgomery SCDs. John is happy to report that his term as TAC Chair has ended.

Board Executive Session Summary from the February 9th Closed Session

In accordance with (§ 3-306) (c) (2) or § 3-104, the Montgomery Soil Conservation District Board of Supervisors held a closed session for the purpose **“To protect the privacy or reputation of individuals concerning a matter not related to public business.”**

Time of closed session: 10:08 a.m. **Place:** Multipurpose Conference Room – Agricultural History Farm Park.

Members who voted to meet in closed session: Butz, Butts, Tregoning, McGrath, Lewis

Persons attending closed session: Zawitoski, Walker, Butz, Butts, Tregoning, McGrath, Lewis, Linthicum

Authority under § 3-305 for the closed session (see statement above): § 3-305(b)(2)

Topics discussed: Soil Conservation and Water Quality Plans completed and ready for Board Approval

Each action Taken: Approval of 3 Conservation Plans

Statement concerning entering into an Executive Session following the February 9th Open Board Meeting Session:

Board Chairman Statement about entering into a closed Session following the March 8th MSCD Open Meeting. MSCD Chairman Robert Butz made the following statement: In accordance with (§ 3-306)(c)(2) or § 3-104: “Immediately following the Open Session Meeting, The Montgomery Soil Conservation District Board of Supervisors intends to enter a closed session. In accordance with (§ 3-306) (c)(2) of the Open Meetings Law, and for the purpose **to protect the privacy or reputation of individuals concerning a matter not related to public business**”; the Board by majority vote shall enter into the closed session to discuss and approve Soil Conservation and Water Quality Plans and to discuss landowner-specific -details involving a request for assistance from a county landowner.

Motion to Enter Closed Session made by: Linda Lewis

Motion seconded by: Robert Butts

Members in favor: Robert Butz, Tim McGrath

Opposed: None

Abstaining: None

Absent: Doug Tregoning

ADJOURNMENT AND NEXT MEETING The Chairman had no correspondences to share. The open meeting was adjourned at 10:03 a.m. The next scheduled Board of Supervisors meeting will be in person with the option to attend virtually on April 12, 2024, at 9:00 am.

Regards,

Karen Walker, Administrative Assistant

MEETINGS HELD

MEETINGS ATTENDED CALENDAR YEAR 2024

| | | |
|---|----------------|------|
| 3 | Butz | 100% |
| 3 | Butts | 100% |
| 3 | McGrath | 100% |
| 3 | Linda Lewis | 100% |
| 2 | Doug Tregoning | 67% |
| 3 | *Linthicum | 100% |
| 0 | *Joe Lehman | 0% |
| 1 | *Chris Miller | 33% |

*Associate Members

