

Approved  
3-8-2024

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
February 9, 2024

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, February 9, 2024.

People Present:

Robert Butz, Chairman (Virtual)  
Robert Butts, Vice Chairman (Virtual)  
Linda Lewis, Supervisor  
Tim McGrath, Treasurer (Virtual)  
Doug Tregoning, Supervisor (Virtual)  
Tom Linthicum, Associate Supervisor (Virtual)  
Chris Miller, Associate Supervisor (Virtual)  
Adam Lyons, (MDA) (Virtual)  
Kelly Nichols, (UMD)  
Natalia Salazar, (OAG) (Virtual)  
John Zawitoski, District Manager (MSCD)  
Brandy Gibbons, (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 invited Adam to present the report for MDA.

**Agency Reports:**

**MARYLAND DEPARTMENT OF AGRICULTURE (MDA)** - Patuxent Area Coordinator, Adam Lyon, presented the MDA report. He explained that MDA announced a new Deer Management initiative. MDA is partnering with the Department of Natural Resources and providing connections and links for farmers and hunters to have a managed deer hunt. Additionally, they are working with the local food banks. Adam will place a link for the press release in the zoom chat. Adam shared this initiative is the result of the deer summit to decrease the deer population.

Adam then announced that registration is open for the Maryland Farmers Market Conference that will be held on Tuesday, March 12<sup>th</sup> from 8:30 to 3:30 at MDA headquarters in Annapolis. MDA Secretary Atticks will be the keynote speaker and several topics will be presented. The ticket cost is \$35.00 per person and space is limited to the first 90 individuals that sign up.

Following the announcement for the Maryland Farmers Market Conference, Adam explained that the Nutrient Management Annual Implementation Reports (AIRs) are due on March 1<sup>st</sup>, and he noted there was some confusion in reference to getting help with AIRs. Adam noted farmers have the option to do the AIR on-line on the Maryland One Stop Site, which is the preferred method. Adam said if you know anyone that has an issue with AIRs to let him know and he would get them connected with the right specialist. Adam mentioned enrollment for the Conservation Buffer Initiative program began on January 29<sup>th</sup> and applications will be accepted through March 8, 2024. This year qualifying farmers wanting to plant forest buffers can receive a one-time \$1,000 per acre signing bonus in addition to the other lucrative program incentives. Adam noted funds in this program are received up front and you must keep the planting for 5 years. The CREP program only provides an annual payment. Adam noted MDA is trying to incentivize this program. After Adam presented his report, Tim asked about the vast difference of the MDA Buffer program only requiring 5 years and noted CREP is a 25-year program. Adam shared the MDA Buffer program does not follow the NRCS guidelines and standards that are required in CREP. MDA is only looking for resource improvement

standards that may make it easier for farmers to participate. Both Adam and John shared this program's goal is to help meet the WIP goals and provided details on the differences between CREP and the MDA Conservation Buffer Program. Adam asked if there were any additional items to discuss. John asked Adam if MDA has a position on Senate Bill 932 and the cross-filed House Bill 1042 (Maryland Agriculture BMP Best in Show Program). Adam responded that there has been a discussion in headquarters and a meeting is scheduled for Tuesday. This initiative could impact MDA Programs and Byron is working on amendments for the legislation. The bill is sponsored by Senator Elfret and it could redirect MDA's funding from the Chesapeake Bay Trust Fund as well as place additional unfunded burdens on the District. There was a lengthy discussion on this matter and comments will be provided to MDA and the Montgomery County Delegation.

**EXTENSION** – Kelly Nichols - U of MD Extension - greeted the Board of Supervisors and noted that she would be providing a couple of updates. The first update was on slugs, and she shared a UMD grad student is doing some research and if you have a corn field that she can visit and gather some samples, to please let Kelly know. They are trying to figure out the threshold per slug damage so that we have a better idea on what should be recommended for slug control. Her second update concerned recent developments by the EPA involving dicamba and similar formulations for the over-the-top applications for weed control. She mentioned similar products impacted by the EPA ruling effectively making these chemical no longer available for over-the-top applications. This ruling came about because EPA did not follow the public comment requirements for these products and now the use is no longer authorized. Kelly indicated that UMD is going to try and fill Doug Tregoning's previous position and requested his activities and associated man-hours. Doug responded and said he would follow up in an email.

**OFFICE OF AGRICULTURE** – Natalia Salazar presented the report for the Office of Agriculture and the report was included in the Supervisors packet. 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.
- **ZTA 23-09, Farming – Incidental Outdoor Stays** - The public hearing for this ZTA was held virtually on January 16, 2024. Based on the testimony provided by several agricultural and community groups and individuals, Councilmember Natali Fani-Gonzalez (lead sponsor) requested that the Planning, Housing, and Parks Committee work session for this ZTA be scheduled during the summer and stated that in the meantime she will continue to engage with stakeholders. Councilmember Marilyn Balcombe has also indicated she will be reaching out to the agricultural community for input. Natalia noted it appears the council is listening to the feedback that was provided by the ag community and that is great to see.
- **ZTA 23-08, TDRs – Cemeteries** - This ZTA is proposing to allow existing cemeteries to expand onto properties encumbered by TDR easements. In response to testimony submitted by the AAC and APAB for the January 16, 2024, public hearing, Councilmember Marilyn Balcombe (lead sponsor) introduced an amendment to limit the right to a one-time expansion of 10 acres onto an abutting property. The ZTA was assigned to the Planning, Housing, and Parks Committee, which during its January 29, 2024 work session voted unanimously to support these amendments.
- **Visit Montgomery Rural Branding Initiative** - Visit Montgomery received a grant from the Economic Development Administration for branding and marketing agritourism businesses in Montgomery County. On January 30, 2024, Visit Montgomery and the OAG hosted a listening session to receive feedback from the agritourism businesses in the county, including operations offering pick-your-own, farm markets, tasting rooms, workshops, ag education, events, and other activities. On February 28,

2024, a listening session will be held to receive feedback from other stakeholder groups (MC Dept. of Planning, MC Dept. of Parks, Montgomery Countryside Alliance, Sugarloaf Citizens Association, Heritage Montgomery, Rustic Roads Advisory Committee, and many others).

- **Vacancies Announced for APAB, AAC, RRAC** - The OAG and the Chair of the AAC, Lori Larson, interviewed five candidates for the four AAC vacancies and made the following nominations to the County Executive: three farmer members (Paula Linthicum, Fred Lechliden, and Tom Precht) and one non-farmer member (Ellen Gordon). The OAG and the Chair of the APAB, Michael Jamison, interviewed three candidates for the four APAB vacancies and made the following nominations to the County Executive: two farmer members (Sarah Daken and Randy Stabler) and one non-farmer member (Nick Magliato).  
The application period for the RRAC ended on January 5, 2024. Tom Linthicum, Mason Hopkins, and John Jamison applied as farmer members. On January 17, 2024, the County Executive's office indicated that the applicants would be contacted for interviews and that Billy Willard's nomination as the AAC representative to the RRAC would be made at the same time as that of the three farmer members.
- **Vacant Agricultural Preservation Program Administrator Position**-The OAG and APAB interviewed the candidates on January 4, 2024, and selected Dr. Mike Weyand, who will officially start on February 12, 2024. Dr. Weyand previously worked in the Montgomery Soil Conservation District and is therefore familiar with the county.
- **Upcoming Meetings and Events:** Agricultural Preservation Advisory Board meeting: February 13, 2024; Presidents Day (office closed): February 19, 2024; Agricultural Advisory Committee meeting: February 20, 2024; UME Central MD Agronomy Update: February 21, 2024; Montgomery County Farm Bureau Board of Directors meeting: March 5, 2024

After Natalia presented the report, Tim commented that Marc Potash and Bobby Jamison were scheduled to make a pitch to the Farm Bureau but neither showed up for the meeting. John shared that Marc has taken the overnight stays on the property off the table, but he will probably still have a tasting room. The Chairman requested that Natalia provide Dr. Weyand's contact information to the board members.

**SECRETARY/ TREASURER'S REPORT** - Chairman Robert Butz addressed the approval of Board minutes and noted this is a virtual meeting and he would only be asking for nays. He indicated all Supervisors have received a copy of the minutes and asked if there are any requested changes or corrections. Having no changes or corrections for the minutes, the Chairman requested a motion for approval. A motion to approve the minutes was made by Linda Lewis, seconded by Robert Butts. The chairman asked for any nays and having no nays the motion passed, approving the January 12, 2024 Board of Supervisors minutes.

Chairman Butz invited Karen Walker to present the financial reports. Karen indicated prior to the meeting, Linda Lewis, Tim McGrath and Chris Miller have received their pay out and she noted she would be mailing the other supervisors their payments. Karen shared it was a struggle reconciling the checkbook and the bank statement due this month due to how the hotel handled the billing for the MASCD Winter Meeting. However, she is happy to report that she was able to reconcile both the checkbook and bank statement and that for this month, there are no expenses to be addressed. The only upcoming expense she is aware of will be for the MASCD Summer Meeting and the registration opens in March. She noted if we do not register for this meeting by May 17<sup>th</sup> there will be a cost increase to attend the MASCD Summer meeting. Karen indicated that we have completed all of the requirements for the filing of the 1099s by securing the services of Pam Saul- Saul Bookkeeping. The District authorized a payment of \$250 in accordance with the Board's delegated policy for payments of \$250 dollars or less to the District Manager to cover the services of Saul Bookkeeping for the 1099s for the 2023 tax year. The Chairman asked if Saul Bookkeeping can do the MDA Annual Audit and Karen responded no and apologized for not providing the information earlier. Both Karen and John explained we have some time to find another a company that would be less expensive for conducting the annual audit.



John shared the sad news that Aubrey Walker Jr. passed away and he was instrumental in resolving MSCD's D&O insurance issues. Having no expenses to be paid, Karen requested a motion to file the January MDA Financial Report. A motion to file the January Financial report was made by Linda Lewis and seconded by Tim McGrath. The Chairman asked for any nays and having no nays the motion passed approving to file the January MDA Financial report.

**DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE** – The District Conservationist, Sam Engler, was not available for the meeting and Brandy Gibbons presented items on his behalf. She shared NRCS is able and willing to pay for some District laptops as long as they're out of warranty and used for NRCS uses. She noted Montgomery is able to receive 2 new laptops. Additionally, she shared information on program progress. Currently, they are working on eligible Act Now applications that have NRCS approved designs. AMA applications were assessed and ranked last Friday and EQIP Act Now has an application deadline of May 17<sup>th</sup> and must be ranked by May 27<sup>th</sup>. The application deadline for regular EQIP is February 16<sup>th</sup>. And February 16<sup>th</sup> is also the deadline for the first round of CSP applications to be ranked. Brandy shared she and Julianna attended a CSP training with Sam at the Howard SCD office.

Next, she addressed the Activities Report and noted that Charley is working on 8 small pond projects. There are 2 requests for assistance, 15 conservation plans in progress and 3 completed conservation plans. Brandy said she would be happy to answer any questions. John wanted to share information on conservation plans to note how hard the MSCD staff is working. He had Kat do a query in Conservation Tracker and there were 92 conservation plans approved, covering 18,000 acres in FY23. The previous highest acres planned was 7,000. The chairman agreed with John that the high number is amazing. John followed up on Brandy's statement that Charley is working on several small ponds and shared details the national challenge of AutoCAD. Adam commented that it is affecting everyone.

### **DISTRICT MANAGERS REPORT: NEW BUSINESS**

**MASCD Board of Directors Meeting** - The Next MASCD Board of Directors meeting will be held on March 26, 2024. This meeting has been held at MDA and they are offering a virtual option to attend. John said it is about a 2-hour meeting from 9 to 11 am. Originally, the Chairman thought he was not able to attend but he will be available to attend the meeting. John shared that this meeting will be covering items that are normally later in the year, but he believes everything has been accelerated due to the MASCD Summer Meeting being held earlier than usual.

**WIP Update & Meetings with SCDs - MDA discussed the WIP update as part of the District Managers Roundtable discussion in January.**

Since 2022, an effort is underway to “Chart a Course to 2025”. We have learned that there a several initiatives watershed wide that are currently “Off Course”. On this list was Conservation Planning. Watershed wide, they noted certain challenges impacting all of the initiatives deemed to be “Off Course”. The reasons included: Climate change, population growth, Conowingo Dam, system response and monitoring disconnect, partnership consensus, and limitations on applications needed to develop plans and financial resources.

### **What's Changing? Timeline TBD**

- Desire to incorporate new science and tools to measure outcomes
- Increase monitoring
- Leverage co-benefits to create equitable focus on shallow areas, living resources, and communities – alternative success criteria?
- More time and “targeting” concepts
- Adaptive management re: partnership governance

### **What's NOT Changing?**

- MDA remains fully focused on implementation levels, as committed by each SCD in the Phase 3 WIP irrespective of modeling estimates
- Innovative initiatives to fill gaps - CBI, ag drainage management, conservation planning goals, equine outreach
- Verification
- State agency engagement (meeting. meetings. repeat)
- Increased technical assistance
- Advocate for MD producers

### **What's Next?**

- Maryland has the strongest story to tell within the watershed – stakeholder events to be planned. Amplify!
- One-on-one SCD meetings continued (spring 2024)
- Better transparency
- Full accounting of all BMPs installed
- Focused watershed approach (pilot)

John said that in the upcoming months there will be a lot of discussion on the WIP goals, and it is not a reflection on Maryland's progress. He said MDA is not going to change our goals, but they want to see where we are. Adam shared Elizabeth sent an email confirming a March timeframe to meet with the Districts. Adam noted MDA has put resources in place and has good staff that has placed Maryland light years ahead of any other state.

**Passing of Steele Phillips** - We received notice from Dorchester SCD of the passing of their longtime chairman Steele Phillips on January 14, 2024, at Tidal Health Peninsula Regional in Salisbury. On behalf of the District, John reached out to the Dorchester SCD with our condolences to the District and Steele's family.

**Saint Mary's Cooperators Dinner Invitation** -St. Mary's SCD will host their Annual Cooperator's Meeting on Friday, February 23, 2024, at the Bay District Fire Department, Braddock Hall in Lexington Park, Maryland. The menu will include peeled steamed shrimp, fried oysters, stuffed ham, fried chicken, and the cost is \$40. John provided this information so Supervisors can see how other Districts handle the cost for their Annual Cooperator Dinner as compared to MSCD and he is not advocating MSCD make any changes for our Annual Cooperators Dinner.

**Patuxent Watershed Policy Board Annual Meeting** – Both chairman Butz and John will be participating in the annual meeting scheduled to be held on March 6<sup>th</sup>. This meeting will conclude John's duties as Chairman of the Technical Advisory Committee.

**Councilmember Balcombe's Response to MSCD Testimony on ZTA 23-09** - The County Council held a public hearing on January 16<sup>th</sup> about this zoning text amendment. There were 28 speakers, 77 written testimonies, and she received an additional 84 emails on this topic. Natalia had shared information on this activity under the OAG report.

**BMP Verification Round 24 Completed** – We have a solid working relationship with our state partner agency, and we completed the reconciliation report way ahead of the described deadline. Adam commented that the verifier is happy with the assistance MSCD provides.

## **DISTRICT MANAGERS REPORT: OLD BUSINESS**

**Update 1<sup>st</sup> Amendment Audit Procedures** – Just as an FYI the signage is in production to post in our area that should suffice in prohibiting anyone claiming 1<sup>st</sup> amendment audit rights into our private nonpublic office spaces.

**MSCD Submitted Testimony on ZTA 23-09** - Included in your packets is a copy of the written testimony the District submitted regarding ZTA 23-09. Keep this for your records. We may be asked to participate in a stakeholder working group.

**Follow Up from the Taste of Maryland** - This was a terrific event and a wonderful showcase night for the Willard family and Montgomery County agriculture. Governor Moore made an impassioned talk about the role farmers play in Maryland's economy and pledged to be a continued supporter of Maryland ag. Robert Butz, Jeremy Butz, Natalia, Juliana, Kat and John Z all attended this event representing the Soil Conservation District. We were thanked numerous times for being such a generous sponsor of this event. The Chairman took the time to express his experience about the event and suggested that next year, depending on the venue, Montgomery SCD should not only be a sponsor, but purchase tickets for all Supervisors and Senior Staff to attend the event. He said in his opinion, "This event was a lot more productive due to the networking opportunities than he has experienced in recent years with our association meetings". There was a lengthy discussion on this matter, and it was noted that the District should provide feedback to the committee and note that the number of food stations is not sufficient.

**Winter MSCD Newsletter Publication** - Also as an FYI, we have published our Winter Newsletter that includes articles about the Willard family's recognition at the taste of Maryland. Information concerning the importance of reporting conservation items on the Nutrient Management AIR, MDA's Urban Ag Program, and Cover Crop Updates are some of the many topics covered in this publication.

**MASCD Legislation Update** - Every Monday until after the session is over, we will be holding legislative updates. A summary of the bills MASCD is tracking was included in the Supervisors packet. If there is a specific piece of legislation you want more information on, please let John know.

After the District Manager presented his report, Tim stated the Amish and the Mennonites have been purchasing a lot of land and he wanted to know if they are required to follow the Water Quality Soil Conservation Plans and how it impacts the WIP Goals. Adam shared a lot of land has been purchased in Cecil County and provided details on the activity. Adam noted the group had previously had a specific religious exemption but actively lobbied not have the exemption apply to them and that they too should follow the same requirements under the law.

### **Board Executive Session Summary from the January 12<sup>th</sup> 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:** 10:02 a.m. **Place:** Small 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 5 Conservation Plans

**Statement concerning entering into an Executive Session following the February 9<sup>th</sup> Open Board Meeting Session:**

**Board Chairman Statement about entering into a closed Session following the February 9<sup>th</sup> 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:** Robert Butts

**Motion seconded by:** Linda Lewis

**Members in favor:** Doug Tregoning, Robert Butz, Tim McGrath

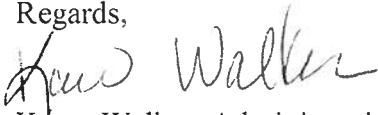
**Opposed:** None

**Abstaining:** None

**Absent:** None

**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 March 8, 2024, at 9:00 am.

Regards,



Karen Walker, Administrative Assistant

**MEETINGS HELD**

**MEETINGS ATTENDED CALENDAR YEAR 2024**

2	Butz	100%
2	Butts	100%
2	McGrath	100%
2	Linda Lewis	100%
2	Doug Tregoning	100%
2	*Linthicum	100%
0	*Joe Lehman	0%
1	*Chris Miller	50%

\*Associate Members

