MONTGOMERY SOIL CONSERVATION DISTRICT **BOARD OF SUPERVISORS MEETING** June 11, 2021

Apploved 7-16-21

Due to COVID-19 meeting restrictions, the regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held remotely on the GoToMeeting virtual platform.

People Present:

Robert Butz, Chair

Robert Butts, Vice Chair

Tim McGrath, Treasurer

Linda Lewis, Supervisor

Doug Tregoning, Supervisor

Tom Linthicum, Associate Supervisor

Chris Miller, Associate Supervisor

Jeremy Criss, Director OAG

Mike Scheffel, OAG

Adam Lyon, MDA

Brandy Gibbons, Acting District Conservationist (NRCS)

John Zawitoski, District Manager (MSCD)

James Harne, Conservation Planner (MSCD)

Kathleen Herr, Conservation Planner (MDA\MSCD)

Karen Walker, Office Service Coordinator (MSCD)

Chairman, Robert Butz called the meeting to order at 9:01 am and had Jeremy Criss, Office of Agriculture to present his report.

Agency Reports:

OFFICE OF AGRICULTURE: Jeremy reported that Montgomery County has started to reopen County Buildings on Monday June 7, 2021. The Building Users Workgroup have developed a plan to open the Agricultural Activities Center to agricultural agency employees. We are still developing a plan to open the Agricultural Activities Center to the public and volunteers. As of today's meeting, nearly 64.4 % of the County's population have received one dose of the vaccine and 55.8% are fully vaccinated. The following link provides access to the County's information on all COVID related metrics. Data - COVID-19 Information Portal - Montgomery County, Maryland (montgomerycountymd.gov)

The County Executive wants all County employees vaccinated before opening County buildings. We are researching data for vaccinating all employees-UME, OAG, MSCD, NRCS, FSA etc. Employees that are not able to telework will return to the office building. Employees that can telework will develop a schedule for days assigned at the office verses telework days.

Jeremy then discussed several Department of Environmental Protection Legislative Proposals:

• Individual Water Supply and Sewage Disposal Systems: The proposed legislation has not yet been introduced as result the text of the proposed legislation cannot be shared yet. The Office of Agriculture however was given the opportunity to review the proposed bill and consulted with the DEP on the language on lines 158 to 170 as outlined below and explained this language will result in the agricultural community opposing this legislative proposal. The Director of DEP responded by stating- DEP would delete this language entirely and he said, "We think we can make significant progress without that provision."

- Emergency authority. If the Director or the Director of Environmental Protection finds that the condition of an individual sewage disposal system presents an immediate danger to the public health or safety because of an unsafe condition or poor maintenance, the Director may take any needed action to protect the public and make the system safe, including entering the property to make any needed repair. The County must assess any cost incurred as a result of the Director's or the Director of Environmental Protection's actions against the owner of the system. The County may collect the costs in the same manner as real property taxes are collected against the property where the individual sewage disposal system is located. In addition, the County may seek reimbursement under any other method legally available to collect debts owed to the County.
- Introduction of Bill 16-21-Environmental Sustainability Building Energy Use Benchmarking and Performance Standards Amendments to Chapter 18 Environmental Sustainability. The Office of Agriculture recommends that all existing and new agricultural buildings be added to Section 18A-38B Applicability and exempt from the bill. **There is a public hearing scheduled on July 20, 2021** and the agricultural organizations should provide a letter outlining that all existing and new agricultural buildings should be exempt from this Bill 16-21. The following link provides access to the text of the legislation.

 2707 1 14390 Bill 16-2021 Introduction 20210504.pdf Jeremy requested MSCD to submit a letter recommending agriculture buildings to be exempted from this bill. The District Manager, John Zawitoski asked about the particulars that should be in the letter and indicated he would work with Jeremy for written testimony from the District.
- <u>Electric Lawn Care</u> The proposed legislation has not been introduced. The Office of Agriculture is consulting with the DEP on the scope of the legislation. The legislation proposes a Sale Prohibition and Use Prohibition starting in 2025 for residential gasoline lawn mowers with a deck less than 30 inches including gas trimmers and gas blowers. The legislation excludes gasoline chain saws. The legislation proposes the commercial sale and use of gasoline lawn mowers with decks less than 100 inches starting in 2027. This legislation is modeled like what has been adopted in DC. Jeremy noted that gas trimmers and blowers are included in the bill. As more information is received, Jeremy will share with the Board.

Jeremy then discussed recent developments concerning the unpaved portions of River Road. He explained that there was a Follow up on the meeting on Thursday May 6, 2021 for River Road residents that own property along the gravel portion of the road between Elmer School Road and Whites Ferry. Representatives from the CEX, DOT, OAG, MNCPPC, and Rustic Roads Advisory Committee attended this meeting. The minutes from the meeting and a list of people that attended were provided as part of Jeremy's report. A new study shows proposed improvements for drainage pipes and maintenance of the gravel surface between Elmer School Road and River Road. This meeting was a follow up to the August 21, 2018, meeting that Linda Lewis hosted at her farm market that 19 River Road residents attended. The OAG received notice from DOT that on Friday May 28, 2021, they are working with an independent contractor to physically take core samples of gravel from River Road itself in 12 locations to test for asbestos utilizing the same methodology that Linda Lewis did for her testing in the fall of 2019 which found asbestos. The Office of Agriculture is working with MNCPPC on a technical update of the Rustic Road Master Plan to explore how the significant feature of gravel can be addressed from a public health and safety issue. Supervisor Doug Tregoning asked if there have been any cases of individuals that live along

River Road that have contracted mesothelioma. Doug shared that asbestos causes mesothelioma. This led to a big discussion on individuals that lived on River Road that have passed from what is believed to be lung cancer. Doug noted that the road should be paved and that would address the problem. It is unclear why the county has chosen to expose themselves to this liability. Tim shared in the 70's his grandparents lived on Blunt Road and the road was paved due to the material that was used from the quarry that contained asbestos.

Jeremy then provided follow up information from the May 10, 2021, County Council Work Session on the Office of Agriculture FY22 Operating Budget. The Council recommended to restore the Maryland Matching Money-MMM program that expands the purchasing power of customers at our farmers markets; **The Council appropriated an additional \$25,000** to cover how the Matching Grant Cost Share program reimbursements from MARBIDCO uses the OAG appropriation and when MARBIDCO reimbursements are deposited into the General Fund, this funding does not come back to the OAG; And to explore a new FTE full time position assigned to OAG to be discussed during the summer. In addition, he hopes to get a new FTE position assigned to OAG.

The next item on Jeremy's report involved discussion on the Leaf-gro product that is provided by Maryland Environmental Service (MES) that many farmers use annually as a soil amendment. The USDA removed Leaf-gro from their approved list of organic soil amendments for organic certification because of the ink in the bags that are provided to residents for gathering leaves and grass clippings. Senator Chris Van Hollen' staff are helping to address this Leaf-gro issue of ink in the bags. The Sugarloaf Citizens Association-SCA has created a sub-committee to consider reducing the size of trucks that deliver leaf grow to farmers. In accordance with an agreement between the County Government and the Sugarloaf Citizens Association, the MES can only provide Leaf-gro to be delivered in 40-yard tractor trailer trucks that small scale farms cannot accommodate. Jeremy said it's good news about the sub-committee but shared that the declassification of Leaf-gro as an organic soil amendment has been a big challenge.

Jeremy then shared information via the following link that contains important information involving capital gains involving the basis for real property. Stepped up Basis for American Family Farms: https://www.fb.org/advocacy/action-alerts/protect-stepped-up-basis-for-American-family-farms

A final decision has been made regarding the OAG's Annual Farm Tour Weekend for this July. Given the uncertainty involving COVID and timing of relaxed restrictions, the OAG decided to replace the annual event for this year with some alternative opportunities for County residents. Jeremy noted that with the current environment, he did not feel comfortable in having the usual farm tour and OAG developed other opportunities. Jeremy noted the Agriculture Fair which is scheduled to happen has plenty of staff to address CDC guidelines. Incorporated into the minutes are links to the alternative opportunities to the Farm Tour Jeremy discussed as part of his report:

- Grape an Grain Tour story and route Final with Doc Waters.pdf (montgomerycountymd.gov)
- Final Revive Sunday Drive.pdf (montgomerycountymd.gov)
- 2pg Farm2Feast Tours.pdf (montgomerycountymd.gov)

Jeremy then discussed the MD Farm Bureau and MCFB Farmside Chats and provided a synopsis of each scheduled Farmside Chat.

- Food Resiliency Tuesday, June 8th at 9:30 AM Butler's Orchard-Productive conversation and good turnout. HB831 that passed will create a food resiliency council.
- Livestock Processing & Grain Farming Thursday, July 1st at 9:30 AM Seneca Ayr Farm-Steve McHenry and Deanna Baldwin will be the featured speakers.

- **Deer Damage** Thursday, August 5th at 7 PM Jamison Farm. Bobby Jamison and his son John are hosting this event. It will be in the evening event so attendees can see the deer eating the crops that negatively impact the farmers.
- Forest Banking Wednesday, September 8th at 9:30 AM Willard Family Farm
- Ag Reserve Solar Wednesday, October 6th at 9 AM Rockhill Orchard. The plan is to start at Rockhill, but they would be visiting additional sites.

After Jeremy presented his report, Doug shared that he had a conversation with Paula Linthicum while attending the event at Butler's and they both agreed the legislative chats should include the need to share the importance of plant protection materials. Doug also noted that food production cannot be strictly organic and that he is not against organic growers. Jeremy appreciated Doug's comments and asked if he would prepare bullet points for Paula to present in the July event. Doug responded that he plans to attend the July event and that he has no problem in preparing the material to be presented. However, he does not want to step on Kelly's toes, and he said it would be a great opportunity for her to contribute. Robert Butz said that legislators are not aware that no-till farming does not release carbon and the release of carbon impacts the climate. Kelly indicated that she would help and provide an update on glyphosate that farmers use. At the end of the discussion, Doug, Robert, Kelly and Chuck will work on providing points for the July event.

Upcoming Meetings and Events:

Montgomery Soil Conservation District-June 11, 2021 9:00 am
Montgomery County Agricultural Advisory Committee-June 15, 2021
Montgomery County Farm Bureau Board of Directors- July 6, 2021 7:00 pm
Agricultural Preservation Advisory Board-July 13, 2021 7:00 pm
MCPS/CBF-Connecting Farmers with Teachers-August 12, 2021
Montgomery County Agricultural Fair- August 13, 2021 through August 21, 2021

MARYLAND DEPARTMENT OF AGRICULTURE: Adam Lyon, Patuxent Area Coordinator, noted that future iteration of the WIP will likely address the greenhouse gas component so the conversation on climate change is timely. Adam reported on the following items:

- Operation Status Employees are now not required to wear masks in the office or in the vehicle. More than two staff persons can occupy a state vehicle and there are no restrictions on coming into the office. The pandemic telework policy officially expires on July 1st and most folks will be returning to the office. Adam noted there are a few exceptions and only a few folks will have a hybrid schedule to telework for a maximum of 2 days. Adam believes that Paul does qualify for the post pandemic telework option, but he is still looking for DBM to provide confirmation. Both Kathleen and Udeni are expected to be in the office on July 1st. Adam noted that if SCD rules are more restrictive, we are expected to follow the SCD rules. Also, he mentioned that employees have been granted the opportunity to be vaccinated but we are not allowed to ask about their vaccination status.
- Virtual Regional Area Meetings The Regional Meeting hasn't been held in over a year and it was decided to host Virtual Meetings and split it for 2 days. Adam felt that the virtual meetings went well, and all the program updates were presented along with Byron sharing a lot of information including staffing plans. There is a plan to hire 2 more planners for MSCD. MSCD will have 3 planners and two techs. Also, MDA is looking to invest in hiring regional positions such as a Regional Technician. MSCD may benefit utilizing the regional tech position to address equine. It has been noted that throughout the Patuxent region there are several equine projects that have a low priority. However, there are enough projects that warrant a need to have an equine technician. In addition, a Regional Technician will be hired and located in Adam's office that will focus on WIP projects and help assist and train other technicians. Adam commented that

Jason provided a good presentation regarding the WIP and MACS program. Adam thanked John for his participation and questions.

- Maryland Cover Crop Program sign-up by mail from July 1 to July 16 Adam provided a link to information that shows the breakdown of this year's program. The base pay for incorporated seed has been raised up to \$45 per acre and for aerial or aerial ground the base pay is \$50 per acre. Also incorporated seed qualifies for an additional \$10 per acre for early planting. The Cover Crop mailers were sent out to operators that have participated in the program for the past 2-3 years.
- MACS Program Update At the SSCC meeting on May 20th, the practices eligible for 100% of flat rate cost-share were approved by the SSCC board and will go into effect on July 1st. Because the current flat rate does not meet the cost, Jason Watt and Jason Keppler are working to have an emergency change to the flat rate. Adam noted that if we met the current cost, we would be over budget. He mentioned that it is a challenge to coordinate 23 different flat rates to address the current construction costs. It's a lot to be considered when there is a finite budget. Effective July 1st the new practices will be in place and they are designed to address the WIP. The new practices have a lower per unit cost to install but higher per unit nitrogen reduction. John shared on the screen, the list of new approved practices and Adam shared the new practices will likely be popular for Montgomery County especially fencing. Adam indicated that Jason provided clarity on the EQIP rates for interior and perimeter fencing and this is a new opportunity for MACS to provide cost share at EQIP flat rates. Adam noted that whoever qualifies for EQIP flat rate for interior or perimeter fencing will qualify for MACS at 50%. Adam emphasized that the new practices are designed to address the WIP and the sunset for these new practices is 2026. After Adam completed his report, John mentioned that the slides of the Regional MDA Meeting were provided to Supervisors and attendees as part of his informational report.

EXTENSION: Kelly Nichols U of MD Extension provided her report. She indicated that she is happy to be back in the office and thanked the Board of Supervisors for the card and the gift card that was provided. Kelly is slowly working her way back and going through emails and noted that she did not have a formal report but wanted to highlight a couple of items. Extension is transitioning to coming back into the office. Currently, staff comes in 2 days per week on a rotating bases so that there is someone in the office every day. The goal is to return full time in September. She believes September is the target date to have the building open to the public. She mentioned that next week MDA is offering the pesticide private applicator exam in Annapolis. She noted Extension will make arrangements for anyone that does not want to go to Annapolis to take the exam. She explained that there are private companies that are offering pesticide credits and the credits are approved by MDA but typically there is a charge. Although there are private company's contacting farmers for the pesticide credits, please keep in mind that Extension offers the same opportunity at little or no costs.

Lastly, Kelly shared that the University has a couple of professors that have sent out surveys to farmers. The professors are interested in learning how to improve financial programs that help install or maintain riparian buffers. If anyone has received the survey and has questions, she is available to assist. After Kelly presented her report, Chuck Schuster shared that the first face to face pesticide recertification conference was held at Carroll Community College and there were about 125-130 in attendance.

SECRETARY/ TREASURER'S REPORT

The next item on the agenda was the approval of the Board Minutes and Chairman Butz noted that all have received the minutes and asked if there was any questions or additions to the May 14, 2021. With no additions or corrections to the minutes, a motion was made by Robert Butts and then second by Linda Lewis and passed approving the May 14th Board minutes.

Karen then presented the May financial report and is always happy to report that the checkbook and bank statement are reconciled. Karen indicated that she and John worked on the FY22 Budgets for MDA and the CBTF that were due on Tuesday, June 8, 2021. Karen was proud to report Montgomery SCD budgets for MDA and the CBTF were submitted on Monday before the due date. She shared that there is an upcoming expense for the 2021 MASCD Summer Meeting. John further explained that the payment for the MASCD Summer Meeting will be made in June and will be reflected on the July financial report. John drew the supervisor's attention to the financial report that details the year end financials along with an explanation on how MDA intends to handle carryover funds from FY21 into FY22. Adam concurred with John's explanation. A motion was made by Tim McGrath and seconded by Doug Tregoning and passed approving to file the May Financial report.

District Activities Report and Program Updates

Brandy Gibbons, the acting District Conservationist and John teamed up to present the Request for Assistance (RFA) for the board of Supervisors. Brandy said that she would be happy to answer any questions they may have. John commented that most of the RFA's are for equine operations and the first RFA is for Julia Beamish. John shared that it is an equine operation on a 28-acre parcel off Damascus Road, and they are primarily looking for pasture management and grazing management. In addition, there are some streams on the property that she wants to manage. John noted that this RFA meets the core mission of the District and he recommended that the District work with them. The next RFA was for Pete Driscoll and his operations is off Route 28. John believes the name of his operation is Dogwood Nursery and they have applied for the Farm Preservation Program. A conservation plan is a requirement to participate in the program. Pete would like the District to develop a conservation plan so that he qualifies for the program. The last RFA presented was for another equine operation. Andrea Wick owns a 15-acre parcel off Partnership Road, and she needs some help with pasture and grazing management. She has about 11 horses and some chickens and will more than likely need a nutrient management plan. John recommended that we provide assistance for all the RFA's that were presented. The chairman noted the RFA's do not require the Board's approval and he had Brandy present the District Activities Report.

Brandy shared that the report lists activities and conservation plans and noted that she would be happy to answer any questions. John shared that since the weather has turned drier and warmer, a lot of conservation work has been completed. There are several conservation plans in progress and several conservation plans for the Board's approval. The report also reflects a lot of E&S work has been provided and John shared the details and challenges in providing the E&S for Matt Dorman. In addition, there has been a lot of meetings and site visits provided and John recommended that the Board approve the District Activities Report. A motion was made by Robert Butts and second by Tim McGrath and passed approving the District Activities Report. It was noted the review and approval of conservation plans will be provided in the Executive Session.

District Managers Report – This report was previously sent out as a separate attachment and will be included as part of the meeting minutes. This report includes all the information from the MDA Regional Meeting. Below are some highlights on the information that had been provided.

Office Opening Transition Plan Update – John reviewed with the Board, a matrix concerning the County's Post Pandemic Hybrid Workforce model. Where job classifications can provide opportunities for telework, the County will expand these opportunities post pandemic. The focus will be on both job suitability and eligibility tied to performance. John mentioned that different agencies have different requirements for office

entry with the Feds being the most restrictive. John provided details on reopening and the target date for opening the building to the public is tentatively set for September 1, 2021. Although the building is closed to the public, MSCD can make arrangements to provide services to our clients wishing to visit the building for services. John feels that by July 1st most folks will be back into the office on a regular basis.

USDA-NRCS Conservation and Innovation Grant - The District is a co-applicant with the Chesapeake Bay Foundation (CBF) with a grant to the USDA NRCS to support the work proposed for On-Farm Conservation Innovation Trials project. The District's will be aiding in the evaluation of management techniques that improve soil health while helping accelerate adoption of innovative conservation practices throughout central Maryland. The proposal was for a Roller Crimper as an alternative killed down for cover crop. The equipment would be a part of our Equipment Rental Program. Linda shared that she forwarded a picture of a coulter packer they use for cover crop kill down. There was a lengthy discussion on this matter.

Cover Crop Program Update-Payments- This item had been addressed; however, John wanted to make a special note about MSCD Local Commodity Program. John shared with the Board, the listing of commodity cover crop participants and indicated that we will be making about \$52,000 in payments to the participants next week. Also, previous participants were mailed the Commodity Cover Crop application for the upcoming program year (2021-2022).

MASCD Summer Meeting Registrations - Registrations are due June 25th and the meeting will be at the Hyatt Regency August 1, 2, and 3rd. Karen will be contacting the Supervisors to complete the 2021 MASCD Summer Meeting. John, Tim McGrath and Robert Butz have indicated they will attend all 3 days. John provided details of the meetings for the new supervisors.

Montgomery County Fair- The Montgomery County fair returns August 13 through 21st. We will be staffing an exhibit booth with the OAG. We have ordered materials for our display and will be dusting off our exhibit for this year's booth. There will be Ag Leaders Luncheon and all Board members will be receiving invitations to attend. I know there are going to be some bumps along the way in getting back to normal, but we will be ready to participate with the fair activities.

Legislator Farm Side Chat (June 8 – 9:30 am) The Montgomery County Farm Bureau in cooperation with the Maryland Farm Bureau, the Montgomery Office of Agriculture and Montgomery Soil Conservation District conducted the first in a 5-part Farm side Chat series directed at our legislative community to educate and inform about the real issues facing farmers in an increasing difficult economic environment as well as addressing important topics that not only impact farmers but the rest of our community. The first farm side chat focused on food resiliency and what farmers are doing and what still needs to be done to address access to food in food insecure communities. We are thankful to our legislators and their staffs that attended to continue this very important dialog and to our host farm at Butler's Orchard in Germantown. John had pictures and information from the chat posted on MSCD social media. Future agriculture chat events will be posted on the MSCD website.

July and August Board Meeting- The July Board meeting falls on July 9th during the fourth of July week. All Supervisors have agreed to host the Board Meeting on July 16th. With the 2021 MASCD Summer Meeting being held on August 1, 2, and 3 and the start of the Montgomery County Fair on August 13th John proposed to forgo the August Board meeting. A motion was made by Robert Butts and seconded by Doug Tregoning and passed approving to move the July meeting to the 16th and not have a Board Meeting in August.

Cooperators Dinner – MSCD has reserved September 15th for our Cooperators Dinner at Butler's Orchard. We are planning to celebrate our 75th anniversary and provide an item to giveaway for our guest. Tim has agreed and the Butler's are okay with him to bring out the Pumpkin Cannon. We are still considering

candidates for Cooperator of the Year and staff has asked for some additional time for developing a recommendation. The chairman noted to all Supervisors to put this date on their calendars. It was mentioned that the dinner time should start earlier and start at 5 instead of 6.

As far as other District recognitions, John would like to prepare commemorative plaques for Pam Saul, (15 years of Service. Wade Butler 25 years of Service and Robert Stabler 30 years of Service on the SCD Board and to the residents of Montgomery County. John would like to present these awards during the dinner. The chair Robert Butz thought the recognition presentation is a great idea and no motion was required.

FY22 Budget Update - The budget was submitted before the due date. Again, John explained how remaining FY21 Funds carry over impact the new budget. John mentioned that MDA has increase the Supervisors expense from \$6500 to \$7500. John felt that MDA will likely be providing agreements for the District to execute in July.

Summary of MDA Regional Meetings-John had provided the supervisors the complete packet from the event but wanted to highlight the following:

FLAT-RATES- John put this slide on the screen and noted that MSCD sent a letter to Jason Keppler about cost of construction material. John believes that MDA is aware of the problem and are trying to work out a solution.

COVER CROP – Queen Anne's had the most enrolled acres and Frederick has taken the most applications. John noted that nutrient management certification must be provided with the application to be eligible and accepted into the 2021-2022 program. John indicated that the program changes will be posted on the MSCD website.

John emphasized that all the information presented at the meeting is contained in his written report but would be happy to answer any question they may have. Hearing none, the next item was Old Business Information Updates.

Old Business Information Updates:

DEP Proposed Septic Regulations – Jeremy had addressed this matter and John provided links for other counties and how they are addressing the septic situation. John thought it would be a good idea for them to have this information and help formulate their position for the public hearing.

NRCS Revised role for Standard 378 – John shared a letter from Prince George's SCD to the state conservationist, Terron Hillsman and explained that it's a very comprehensive letter and raises a ton of concerns. NRCS intends to revise their role for pond and stormwater management and no longer provide review and approval. This change will impact both the state and counties. John contacted Senator Chris Van Hollen's representative Catherine Provost and asked them for some assistance. The chairman thanked John for contacting the state officials and asked if the board should provide a letter of support. John shared that this item is scheduled to be addressed in the 2021 MASCD Summer Meeting.

MDA Letter-Jason Keppler: John wanted to share with the Board that cost share material cost letter sent to MDA is getting some traction as MDA is looking for a solution to address the current situation with rising material costs to install BMPs. MDA is working to try and provide a solution.

Chairman Correspondence: Robert Butz, the chairman noted that he has no correspondence to share.

<u>ADJOURNMENT AND NEXT MEETING</u>
The meeting officially adjourned at 10:20 and the next scheduled Board of Supervisors Meeting is July 16, 2021.

Respectfully submitted,

Karen Walker, Administrative Assistant

MEETINGS ATTENDED	PERCENTAGE
Butz	92%
Butts	92%
McGrath	100%
Linda Lewis	100%
Doug Tregoning	100%
*Linthicum	92%
*Joe Lehman	58%
*Chris Miller	67%

Associate Member