

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
July 14, 2023

Approved
9-15-23

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held Friday, July 14, 2023, in person and virtually on the GoToMeeting platform.

People Present:

Robert Butts, Vice Chairman
Robert Butz, Chairman (virtually)
Tim McGrath, Treasurer (virtually)
Linda Lewis, Supervisor
Doug Tregoning, Supervisor (virtually)
Chris Miller, Associate Supervisor (virtually)
Tom Linthicum, Associate Supervisor
Adam Lyon, MDA
Natalia Salazar, OAG
Sam Engler, District Conservationist (NRCS)
John Zawitoski, District Manager (MSCD)
Karen Walker, Office Service Coordinator (MSCD)

The District Vice Chairman, Robert Butts, called the meeting to order at 9:03 am and invited Adam to present the report for MDA.

Agency Reports:

MARYLAND DEPARTMENT OF AGRICULTURE (MDA) – Adam Lyon, MDA Patuxent Area Coordinator, presented his report and noted the biggest news is in reference to the Nutrient Management Program. There was good feedback from the listening sessions and the plan moving forward will be discussed at the Nutrient Management Summit being held at Anne Arundel Community College on July 17th. Adam responded to a question indicating that MDA was still requiring the Nutrient Management Certification form at the time of the Cover Crop Program signup. John shared that while the MSCD has staff that can write Nutrient Management Plans, it would have an impact on the MSCD ability to write Conservation Plans. John noted there is a cooperator that will not meet the Nutrient Management requirement for the Cover Crop Program, but MSCD is working with them to get their plan updated. Adam noted not all Districts are able to write Nutrient Management Plans. Besides the Nutrient Management issue, MDA has closed a massive recruitment and has hired 9 technicians and 6 planners statewide. There is a planner and two technicians coming on board for his region and he noted there is a Regional Technician housed in the Patuxent and he will be available if MSCD has a need. Adam noted MDA is working to update the Hay and Straw Directory. Adam responded to a question indicating there is a list of private consultants that can write Nutrient Management Plans and he placed a link to the list in the chat box. There was a question concerning the registering of bird flocks as we are seeing more backyard flocks in Montgomery County. Adam responded yes, birds are to be registered and he shared Southern States in his area has the bird registry forms near the chickens when you purchase live birds. John noted that there was a previous article in the MSCD Newsletter explaining the requirements for flock registration.

EXTENSION – Kelly Nichols - U of MD Extension, was not available for the meeting but had sent a report highlighting the items below:

- James Heffley, a senior studying ag business and math at University of Maryland, is interning with me this summer. If you see him around the building, please say hello!
- Fall armyworm and western bean cutworm traps - So far, only one western bean cutworm.

- Corn earworm trap - As of last week, the average was 3 moths per day. The recommended spray schedule for 1-13 moths per day is 4 days.
- Full season soybeans look good; insect pressure is very low.
- An organic turf post-emergent herbicide trial resulted in initial burning of weeds, but regrowth started occurring one week later. A second application (3, 4, or 6 weeks later) will be sprayed over the next few weeks. The two active ingredients in the study are iron and vinegar.
- MDA's nutrient management summit is Monday (7/17) from 9:30am-1:00pm at the Anne Arundel Community College. Register.

OFFICE OF AGRICULTURE: Natalia Salazar presented the report for OAG. OAG is still monitoring **Bill 40-21, Individual Water Supply and Sewage Disposal Systems – Amendments** and **Bill 18-22, Noise Control – Leaf Removal Equipment – Amendments**. No new updates for these pieces of legislation.

MDA News Release on the Privatization of the Nutrient Management Program - MDA is hosting a meeting for farmers and Natalia Salazar will be representing the Office of Agriculture during the July 17, 2023 meeting.

Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Easements - The County Council has informed the Office of Agriculture that they will not schedule the OLO Report on the Status of TDRs and BLTs until after the summer recess. The OAG is proposing a Letter of Intent/Interest (LOI) for any farmer that leases farmland that still has retained TDRs as these farmers will need the ability to use these retained TDRs as equity to help purchase the farm. The OAG hopes this approach will enable the MNCPPC to better understand how many TDRs they will need to plan for in TDR Overlay zones. Natalia shared the Letter of Intent would give MNCPPC the opportunity to plan for the TDRs but would not bind those executing the LOI to create TDRs. The price paid for TDRs is what will stimulate the creation and transfer of remaining TDRs. Both Vice Chairman Butts and Associate Tom shared their perspectives and challenges with the County's TDR Program.

Update on the October 2023 Retirement of Jeremy Criss, Director of the Office of Agriculture – The position for the new Director of the Office of Agriculture was advertised during the entire month of June. The candidates that applied are being reviewed by the Assistant Chief Administrative Officer and she will select the members of the interview panel from the farmers and other folks that the OAG provided. The OAG also provided interview questions for consideration. We hope that interviews are scheduled soon.

The Crossvines Ribbon-Cutting ceremony - June 12, 2023. - The Montgomery County Revenue Authority conducted a ribbon-cutting ceremony to officially open the Crossvines facility. OAG staff attended.

<https://www.crossvines.com/>

Amendments to Chapter 49 Streets and Roads-Rustic Roads Advisory Committee - The County Council introduced Bill 30-23 to amend the section in Chapter 49, Article 8 on the Rustic Roads Advisory Committee (RRAC). The public hearing was on July 11, 2023, the Transportation and Environment Committee work session will take place on July 17, 2023, and action by the full Council will take place on July 25, 2023. The AAC remitted a letter to the County Council and thank you to the MSCD for your letter to the County Council on the RRAC future membership. John asked if any councilmember shared their position on the matter and Natalia responded that she did not attend the public meeting; Jeremy attended on behalf of OAG.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230620/20230620_1C.pdf

Farm Alcohol Production Report to County Council - The OAG remitted a status report on farm alcohol production to the County Council. This is the second biennial report since the ZTA 20-01 was adopted in October 2020.

OAG Ag Education Outreach - The OAG has been busy with farm visits in June. **June 2, 2023** - Councilmember Dawn Luedtke; **June 7, 2023** - Afri-Thrive-Councilmembers Natali Fani-Gonzalez and Andrew Friedson; **June 10, 2023** – Ribbon-cutting for Lone Oak Farm Brewery-3rd anniversary; **June 14, 2023** - MoCo Food Council-Councilmembers Marilyn Balcombe and Laurie-Anne Sayles and staff; **June 15, 2023** - Leadership Montgomery.

Agricultural Advisory Committee Appointments - Interviews for new AAC candidates were conducted on May 31, 2023. The interview committee was comprised of Doug Lechliden, Mike Scheffel, Natalia Salazar, and Jeremy Criss. The Administration is 3 years behind in approving new members to both the AAC and APAB. This environment is further complicated by the Administration's unwillingness to recommend waivers for a third and fourth term for three of the existing farmer members. We currently still need one more non-farmer member. In view of these challenges, Jeremy does not believe he will be able to address the new appointments to the AAC before retiring.

SECRETARY/ TREASURER'S REPORT: Vice Chairman Robert Butts then addressed the approval of the minutes and indicated that all have received a copy of the minutes and asked if there are any changes or corrections. Having no changes or corrections for the minutes, the Vice Chairman requested a motion for approval. A motion was made by Linda Lewis, seconded by Tim McGrath, and passed to approve the June 9, 2023 Board of Supervisors minutes.

Karen Walker then presented the financial reports. She reported that the checkbook and the bank statement have been reconciled. Karen made a diligent effort to spend down the remaining MDA FY23 funds and there is a \$12.82 FY23 carryover. A majority of the remaining MDA FY23 funding was expensed on the 2023 MASCD Summer Meeting. Both Robert Butts and Linda Lewis' hotel arrangements have been made; however, both need to confirm the meeting registrations. Karen explained that the Endowment Auction Item is normally associated with the Summer Meeting. The District has inquired to MASCD and confirmed that we could provide a money donation in lieu of an auction item. John explained that the District normally invests around \$500 for an item as he requested a motion to approve the \$500 expense. A motion was made by Linda Lewis, second by Tim McGrath, and passed approving to provide a \$500 donation for the MASCD Endowment Auction. Karen then recommended the Board's approval to file the June MDA Financial report. Karen noted the June report requires an original signature and was duly executed by the Vice Chairman. A motion was made by Linda Lewis and seconded by Tim McGrath, and with no abstentions the motion passed approving to file the June MDA financial report.

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE: Sam Engler, District Conservationist, presented the June Activities Report. He reported that this past month one small pond was approved for an exemption from MD378. There are three requests for assistance, one completed Nutrient Management Plan, and 11 Conservation Plans ready for Board approval. John shared that the Activities Report does not track agricultural erosion and sediment guidance's prepared by the District and given this is an increasing workload item, he felt this should be captured in this report. John briefly shared details concerning the three RFAs received by the District and stated that if the Supervisors wanted more information, these details should be discussed as part of the closed session following the open meeting. Seeing no issues concerning these requests, he noted that it was appropriate for the MSCD to work with these new cooperators. Sam noted the Conservation Plan specifics would be addressed in the closed meeting.

DISTRICT MANAGERS REPORT: NEW BUSINESS

Written Testimony: Council Bill 30-23 – The written testimony on Bill 30-23 was submitted to the County Council on June 29th for the July 11th public hearing. Although Supervisors had reviewed and provided comments on the testimony, John would like to obtain formal Board action on the testimony that was submitted on June 29th. A motion was made by Linda Lewis, seconded by Doug Tregoning, and passed, formally approving the testimony that was submitted on Bill 30-23.

Summary of MASCD Central Area Meeting - During the meeting, the Central Area discussed the following business items: **Committee Appointments: Long Range Strategic Planning Committee.** This is a 5-year term appointment that has been vacant since 2018. Chuck Schuster said he would apply, and John said he would help him with any assignments associated with the committee. **Suzy Daubert, NRCS State Conservationist,** provided an NRCS agency update and presented to Harford County for the Earth Team Volunteer award. **Hans Schmidt** provided an update concerning Nutrient Management Planning. Following these updates, the **Central Area discussed the MD 378 Small Pond Review Process,** and each District discussed their current status and how they are planning to do small pond reviews. The Central Area Districts also **discussed Conservation Tracker** and provided insights on how Districts are utilizing the BMP tracking system and discussed both positive and negative issues involving the tool. **The BMP Verification Process** was also discussed, and each District provided insight on how the process will work in each District and what could help improve the verification process. Finally, the Central Area Districts discussed **MDA's WIP Phase III Progress Report meetings** and wanted to get feedback from the Districts on how those discussions went. Hans followed up with some additional information from the Nutrient Management listening sessions and indicated that the decision MDA made was widely unpopular with farmers. He indicated that MDA will be promoting the privatization of Nutrient Management planning by offering a cost-share assistance program to farmers. **Two Resolutions were discussed.** The first was to recommend that **MDA form a Technical Advisory Committee for Conservation Tracker** whereby the committee would make recommendations for enhancements and training for conservation tracker. The second was a Resolution seeking **more training with BMP verifiers and District staff on the process for BMP verification.**

MDA Nutrient Management Listening Session 7/17 - By now most people are aware of the action taken by MDA to terminate the Nutrient Management contract they have with the U of Md Extension. Most seem to agree that this action has left a void and has created some headaches for farmers trying to get their plans updated and current for eligibility for this year's cover crop program. John indicated that, where possible, the District can help but wants it to be understood that writing nutrient management plans will have an impact on conservation planning goals. MDA held a virtual listening session this morning, right before our Board meeting, and will hold an in-person summit at Anne Arundel Community College on July 17th. Attendees must register for this event. Right now, John and Kathleen will both attend this summit event.

Forest Conservation Plan Area vs Easement - Once again, the District finds itself at odds with MNCPPC. This time it concerns another issue involving Forest Conservation (FC). MNCPPC was not happy with providing an Ag Exemption for a lead reclamation project, where the area reclaimed would return to an agricultural use. Now they seem to be questioning all projects that are in a forest conservation plan area but are not within a legally recorded easement. Whenever we are approached by a cooperator for a proposed project, our staff review the FC easement layer that is available online from MNCPPC. Our staff will also refer to record plats as these plats also delineate FC easement areas. Evidently, this practice we have been employing for years is not sufficient for MNCPPC. They now want us to refer to the FC plan area (which includes both easement areas and non-easement areas) and if a plan area (which is basically any property that has gone through subdivision of any kind) is impacted, they want their inspector to be called in for a site visit to make a formal FC impact determination. John feels this is an overreach by MNCPPC as the work the District performs is conservation oriented and not for developing land. Having MNCPPC involved in every project would create huge delays in project implementation. We fully understand the oversight needed in areas protected by easements, but they are now asking for reviews for areas not under an easement. This process creates huge

uncertainty for the District in being able to deliver conservation programs, especially for projects that impact no forest lands. Mike Scheffel contacted Patrick Butler at MNCPPC to discuss this issue and agrees this seems a bit excessive and will be back in touch with us when he has more information from the FC division.

Cooperators' Dinner and Awards - Over the past three years, the Wyndham Oaks 2 operation has transformed an abandoned and neglected farm property into a model equestrian facility that has made conservation their priority. They have improved pastures, established rotational grazing systems, and installed fencing in both fields and riparian areas and stream crossings. The operation was our first participant in MDA's conservation buffer initiative. They worked closely with the District on both erosion and sediment control and stormwater management for the farm labor housing unit on the farm property and are always interested in hearing about programs that can help improve their operation. In discussion with staff, we determined that this cooperator is well deserving of our Cooperator of the Year recognition. Tim noted that it took two years to sell the property and that this cooperator has done a good job.

For Outstanding Staff, John would like to nominate Kathleen Sigwart. Kathleen has grown by leaps and bounds, not only as an effective conservation planner, but also with her willingness to assist and take the lead on many other district initiatives. John expressed that he is very proud of how much she has grown in her position and that she is absolutely a vital member of our team. She has taken a leadership role in managing conservation tracker, embraced plan writing in both Conservation Desktop and Practice Keeper, coordinates social media information, assists with educational outreach events, including school programs and Envirothon, provides editing reviews of District newsletters, minutes, and other documentation, and is always the first to sign up for additional training. John shared that we don't do this award every year and he thinks she is very worthy of this special recognition.

MASCD Award – Teacher of the Year - Lissa Vincent has been selected at the MASCD Teacher of Year. Lissa and her guest will be joining us at the MASCD Banquet to receive her award. This was the first time we nominated a Teacher of the Year and we are very proud that MASCD is recognizing her for her dedication to our local Envirothon program.

MASCD/NRCS Cooperative Agreement - MASCD is coordinating a cooperative agreement with NRCS that will provide funding to Districts for providing an array of conservation assistance, including federal projects. The funding is from the federal Inflation Reduction Act. MASCD has asked the District to prepare a draft workplan for deliverables under this cooperative agreement. Our District was one of the first to submit the workplan to MASCD. This initiative provides an excellent opportunity for the Districts to receive funding for work conducted to support farm bill programs, conservation planning, educational outreach, and nutrient management planning. MASCD will be asking participating Districts to execute local agreements with MASCD once NRCS approves the MASCD cooperative agreement.

OLD BUSINESS

MASCD Summer Meeting Update (revised agenda) - We need to finalize arrangements for Supervisors wishing to attend the summer meeting. We have until July 21st before registration fees increase. Karen would like to finalize the meeting registrations ASAP.

2023 Envirothon Update - Our Team from Richard Montgomery finished in 4th place overall in this year's competition. They placed high in Soils, Aquatics, and Forestry, but Wildlife and the 5th issue are where they lost points. Still for a team of mostly first year participants, finishing 4th overall was not a bad showing.

FY24 Cover Crop Program Progress Report/Update - The Cover Crop program sign-up period will end on July 17th. Sign-ups started off slow but have picked up this past week. We have reached out to all participants reminding them of the program sign-up. A few producers are caught up in not having a current plan. We were able to assist one producer who had all their information and soil/manure tests, enabling the plan to be written.

The 2nd did not have all their tests and will miss the opportunity to apply for this year's program. We are going to assist them, however, in getting their plan updated.

August Board Meeting/MCAgFair Set Up (8/11) - With the MASCD meeting occurring late in August and the Montgomery County Fair starting on the day of our next Board meeting, there is a need to discuss the necessity of an August Board meeting, whether in-person or a virtual meeting. Also, given the Labor Day holiday falling on the same week as the Board meeting (Sept 8th), John requests the Board to consider moving the September Board meeting to September 15th. This would be helpful for any last-minute items we need to address for the Cooperators Dinner on September 19th. The Board can choose to hold a virtual August Supervisors Meeting if there is a need. A decision will be made a week prior to the August meeting. The Board approved moving the September Board of Supervisors Meeting to September 15th.

Ag Leaders Luncheon (8/14) - All the Supervisors should have received their invitation to the Ag Leaders Luncheon on August 14th. If you have not received this invitation, please let me know.

Edgewood Neighborhood Pond Retrofit (DEP) Update - We were asked to conduct a review of this project for the County DEP for an exemption of small pond approval. Charley Chen did an excellent job on the analysis and coordinating comments and recommendations to DEP. This was the first project we had been called into for a formal review and authorization. DEP was grateful for the expeditious review we conducted, and John wanted to highlight the good work Charley did on this project and request.

Lastly, John shared that Alisha Mulkey had sent correspondence to Chairman Butz and him and said Montgomery SCD has done a really good job with conforming the minutes to the changes in the Open Meetings Law.

Board Executive Session Summary from the June 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: 10:02 a.m. **Place:** Small Conference Room – Agricultural History Farm Park.

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

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

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

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

Each action Taken: Approval of 14 Conservation Plans

Board Vice Chairman Statement about entering into a closed Session following the July 14th MSCD Open Meeting. MSCD Vice Chairman Robert Butts 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: Tim McGrath

Members in favor: Robert Butts, Robert Butz, Tim McGrath, Linda Lewis

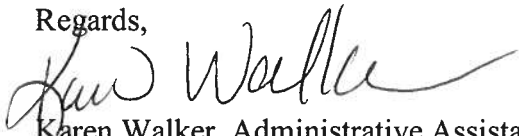
Opposed: None

Abstaining: None

Absent: Doug Tregoning

ADJOURNMENT AND NEXT MEETING The Vice Chairman had no correspondences to share and noted the Board of Supervisors will not meet in August unless a situation arises that requires the Board to meet. If we, the Board, decides to meet, it will be a virtual meeting. The next officially scheduled Board of Supervisors Meeting will be in person in the small conference room at the Agricultural History Farm Park with the option to attend virtually on September 15, 2023, at 9:00 am. The open meeting was adjourned at 10:02 am.

Regards,



Karen Walker, Administrative Assistant

MEETINGS HELD

5 Butz
4 Butts
6 McGrath
6 Linda Lewis
5 Doug Tregoning
6 *Linthicum
5 *Joe Lehman
6 *Chris Miller

MEETINGS ATTENDED

83%
66%
100%
100%
83%
100%
83%
100%

*Associate Member

