

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
September 10, 2021

Approved  
10-8-21

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  
Joe Lehman, Associate Supervisor  
Chris Miller, Associate Supervisor  
Jeremy Criss, Director OAG  
Mike Scheffel, OAG  
Kelly Nichols, Extension  
Charlotte Brewster, District Conservationist (NRCS)  
John Zawitoski, District Manager (MSCD)  
Karen Walker, Office Service Coordinator (MSCD)

Chairman, Robert Butz called the meeting to order at 9:01 am. Kelly Nichols was invited to present the Extension report.

**Agency Reports:**

**EXTENSION:** Kelly noted that a high population of armyworms have been reported in turf and hay fields across the region. She shared that traps have been placed on Stoney Castle Farm for armyworms and the western bean cutworm but there is no evidence of any activity to date. She encouraged the Supervisors to scout their fields and said that she is available to help scout.

Kelly then explained that she received an inquiry from a high school student who is interested in agriculture (all types). She provided additional details and noted that his extended family has a farm, and he has some knowledge about agriculture. The student wants some hands-on experience and if anyone is looking for help on their farm, please let her know.

Kelly highlighted MDA's new Farming for Healthy Soils Program that will provide financial and technical assistance for implementing soil health practices on farms. These practices must be new to the field and/or farm and include reduced and no-till, multi-species cover crop, extended season cover crop, prescribed grazing, and precision nutrient management. For more information, contact Kevin Antoszewski at [kevin.antoszewski@maryland.gov](mailto:kevin.antoszewski@maryland.gov) or 410-841-5866. John contributed to the conversation to explain that the MSCD is promoting this program to Cover Crop participants. He explained that the MSCD did a direct mailing with previous cover crop participances and J. Harne has done some one-on-one conversations with farmers that are better suited for the program. Kelly thanked John for his support of the program and would let MDA know of his efforts.

Kelly reported that the University of Maryland Extension is conducting a survey for research purposes to learn more about the current educational needs of adults interested in the care and enjoyment of horses throughout Maryland. This brief survey will take you less than 10 minutes to complete. If you agree to participate, please visit <https://go.umd.edu/2021MarylandEquineNeedsAssessment>. If you have any questions or concerns regarding this survey, please contact Erika Crowl, Baltimore County Ag Agent, at 410-887-8090 or [ecrowl@umd.edu](mailto:ecrowl@umd.edu).

The last item that Kelly addressed was for Pesticide and Nutrient Management and she noted that Extension will be offering credits throughout the winter. The hope is to meet in person but due to COVID, she is not sure if it will be in the building or a park pavilion. Also, she noted MDA has gone back to the pre-COVID status of ONLY using online credits once in your license cycle. John mentioned that two staff have received a renewal letter for Nutrient Management, and he has instructed them to get continuing education credits to avoid having to take the test again. Kelly said that she would work with MSCD staff. Listed below are the planned meeting dates.

Pesticide Exam Training: Monday, November 8, 2021, 6:00-8:00pm  
Pesticide Exam: Monday, November 15, 2021, 6:00-8:00pm  
Pesticide Recertification Meeting: Thursday, December 9, 2021, 6:00-8:00pm  
Nutrient Voucher Training: Tuesday, December 14, 2021, 6:00-8:00pm  
Agronomy Update: Wednesday, February 23, 2022

\*Locations to be determined. Additional pesticide and nutrient management meetings will also be held in Frederick and Howard Counties.

**OFFICE OF AGRICULTURE:** Jeremy Criss provided the OAG report and noted the Agricultural Activities Center is open for agricultural agency employees, but the building doors are locked and will remain locked until further notice. He explained that we are making accommodations whereby the public can visit the Agricultural Activities Center by appointment starting September 1, 2021. To enter the building everyone must provide proof of COVID-19 compliance. Staff will greet visitors and have them complete an office entry form. Arrangements have been made for the occupancy to use the large multipurpose room utilizing CDC guidelines of wearing masks and social distancing. Jeremy then proceeded to report on specific items contained within his report:

- The Department of Environmental Protection Legislative Proposals:

Individual Water Supply and Sewage Disposal Systems-County residents that live in areas without public water and sewer were mailed the DEP post card to expand awareness to extend the life of their septic systems by pumping out their septic tanks. The proposed legislation has still not been introduced. The enforcement and penalties provision on lines 158-170 will be deleted entirely as stated by the DEP Director “We think we can make significant progress without that provision.” Jeremy reported that he will continue reporting on this matter until it becomes legislation and is scheduled for public hearing. Everyone with well and septic should have received a card explaining what DEP is trying to do. It’s more of an education program without enforcement or penalties.

Introduction of Bill 16-21-Environmental Sustainability-Building Energy Use Benchmarking and Performance Standards – Amendments to Chapter 18 Environmental Sustainability. There was a public hearing on July 20, 2021, and several agricultural organizations provided letters outlining that all existing and new agricultural buildings should be exempt from this Bill 16-21.

<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20210720/item5.html>

The Director of DEP provided OAG with a list of equestrian facilities in the County with buildings 25,000 square feet in size or larger to assess the energy being used for lighting, heating, and air conditioning, etc.

Electric Lawn Care – The DEP has now proposed a more limited bill that will prohibit the use and sale of gasoline leaf blowers. The broader Electric Lawn Care bill will be delayed.

- Update on the gravel portion of River Road. The MCDOT is proposing additional tests of the gravel in the areas where they found asbestos from previous tests. The OAG is monitoring the use of Calcium Chloride dust suppressant chemical that is incorporated with beet juice and molasses to help the mixture stick to the gravel. Honeybees are attracted to the road and dead bees are found on River Road during the summer months after the bees are exposed to Calcium Chloride. MCDOT has asked OAG to help communicate with the residents that road work (culverts, drainpipes etc.) will occur.
- MD Farm Bureau and MCFB Farmside Chats: Jeremy said that they have been going well but he wished there was a higher legislative attendance. He noted Delegate Pam Queen has 100% attendance for the chats.

**Food Resiliency** - Tuesday, June 8th at 9:30 AM - Butler's Orchard-Productive conversation and good turnout.

**Livestock Processing & Grain Farming** - Thursday, July 1st at 9:30 AM - Seneca Ayr Farm- Productive conversation and good turnout.

**Deer Damage** - Thursday, August 5th at 7 PM - Jamison Farm- Productive conversation and good turnout.

**Forest Banking** - Wednesday, September 8th at 9:30 AM - Willard Shop- Jeremy explained the details on this chat and noted there was a remedy discussion on using existing stand for forest banking. Jeremy shared that several folks in the county have spent thousands of dollars trying to establish forest banking and were cut off by House Bill 991. The legislation on this matter was not as helpful as envisioned. A date was put in place to have forest banking officially reviewed and approved by a governmental agency by December 2020 and there is a list of folks that are in the pipeline for approval.

**Ag Reserve Solar** - Wednesday, October 6th at 9 AM - Rockhill Orchard

- The County Council approved the Subdivision Regulation Amendment 21-01. New commercial buildings are now exempt from the subdivision process when the buildings are used for agritourism, on-site farm markets and farm alcohol production.
- The County Parks has proposed to purchase the Broad Run Creek II LLC farm that was formerly owned by Ted Beverley. This farm is encumbered by the County Agricultural Easement Program dating back to 2001. Parks wants to include this farm as part of their Broad Run Creek Stream Valley LOS program. In 1988-1989, the agricultural community advocated concerns during the public hearings on the AEP Bill 56-87 and Executive Regulations 20-88AM that they did not want MNCPPC to use the properties encumbered by AEP as a back door approach to purchasing farmland. This concern is most valid today as Parks must pay "the present value of the easement" prior to AEP easement being terminated and the price they have offered is much lower than the \$1.954 million the County paid in 2001.

### **Upcoming Meetings and Events:**

Montgomery County Farm Bureau Board of Directors- September 7, 2021

Montgomery Soil Conservation District-September 10, 2021

Agricultural Preservation Advisory Board-September 14, 2021

MSCD Cooperators Dinner-September 15, 2021, at 5:00 pm

Agricultural Advisory Committee-September 21, 2021

Poolesville Day-September 18, 2021

MD/VA AMPs conference-September 28-October 1, 2021

After Jeremy presented his report, Doug commented on item 2, River Road, and noted that MCDOT and the County Executive's approach on this matter was unreasonable and that an independent entity should do the asbestos testing. After Doug's comment Jeremy invited Linda to share information and she noted that an independent contractor did do the testing. However, she questioned the testing methods because the samples were taken from two different areas. Linda has been involved in this matter since 2016-17 and no progress has really been made. Linda feels there is a need to approach the state for assistance to get a resolution. Jeremy shared details on the matter and Linda shared her concerns about the safety in working with asbestos. Jeremy thanked both Doug and Linda for their comments and he will incorporate the comments in his suggestions to MCDOT. Before moving on the agenda, the chairman, Robert Butz asked if the Beverly Farm was listed for sale? Mike Scheffel addressed the question and provided the background on how Park and Planning worked out a proposal to purchase the farm and this led to a lengthy discussion. Doug commented that he finds it ironic that people think the biggest threat to farmland is development, but it's actually Park and Planning. Park & Planning's objective for the land purchase is stream valley protection, and the acres will not be farmed. John commented that it's not just Park and Planning, it is all units of government that view ag land as disposable land and look to use ag land for numerous initiatives that will take land out of ag production.

### **SECRETARY/ TREASURER'S REPORT**

The next item on the agenda was the approval of the Board Minutes. The chairman noted that all have received the July 16, 2021 minutes and asked if there was any questions or additions. With no additions or corrections to the minutes, a motion was made by Doug Tregoning and then second by Robert Butts and passed approving the July 16<sup>th</sup> Board minutes.

The chairman then invited Karen to present the financial reports. Karen was happy to report that the checkbook and the bank statement have been reconciled. She then commented that she has prepared and submitted the material to our auditor for the Annual MDA Audit that is due the end of October. The July MDA financial report shows the receipt of the quarterly payment and the interest earned. There were no MDA expenses for July and the August MDA financial report reflects the MASCD Meeting expenses and interest earned. Karen had received previous approval for the Annual Cooperators Dinner and some expenses have been paid. She noted that the headcount for the dinner is lower than the usual and the caters contract has a clause for adjustments due to headcount change.

In terms of invoices received, we have an invoice for MASCD Annual Dues of \$2,250 and noted that we generally do not support the \$50 Teachers Award that is listed on the invoice. The MASCD Dues generated a discussion on the charges and the support MASCD provides. Karen shared that MDA provides \$1,100 towards the dues and MSCD has local funding available to make up the difference. The chairman concluded to pay the invoice. MSCD did receive a FFA donation request. In the past MSCD supported FFA with a \$50 donation. After the discussion on the financial matters, the chairman requested that there be two motions: one for the filing of financial reports and the other for the invoice and donation. The first motion was made by Robert Butts and seconded by Linda Lewis and passed approving to file the MDA Financial reports for both July and August. A second motion was made by Tim McGrath and second by Doug Tregoning and passed approving to pay the \$2,200 MASCD Dues and support FFA with a \$50 donation.

Before moving on to the District Activities Report, the Chairman asked about Request for Assistance and John remarked that there are no new cooperators requesting assistance. John mentioned the District has received requests for technical assistance from current cooperators and the request have been logged on the MSCD tracking system.

## **District Activities Report and Program Updates**

Charlotte Brewster presented the District Conservationist report and Activities Report. Charlotte explained to the Board how the District tracks technical assistance requests through an RFA spreadsheet. This spreadsheet is a good tool to track the progress of all requests. She then shared details on the District Activities report. The report shows that several conservation plans have been completed and although the report only shows one conservation plan for Travis Gorleski, he has several plans that will be ready next month for approval. J. Harné has updated about 13 tracks for Jamie Jamison, and he has completed conservation plans for three other cooperators. After this month, the total completed, and approved conservation plans will be higher. Next, she shared that a lot of construction is happening. Currently, a waterway is being installed for Willard and the Ag Chem facility for Laytonsville Landscaping is about 75 – 80% completed. Once the final touches for the Ag Chem are done, Charlotte will move forward to make the payment. John shared that 70% of the construction work for Wyndam Oaks has been completed and Charlotte remarked this project is under EQIP. She also noted that the waterways for Willard and Hopkins have been completed and she shared that applications have been coming in and they will be addressed especially after MDA has updated their cost share rates at 100%. Charlotte shared that all have been attending a lot of meetings and that she attended and participated in the “Farmside Chat” and presented a CSP.

Charlotte explained that the NRCS FY21 ends this month and FY22 will start on October 1<sup>st</sup>. She does not have the exact number, but several folks got selected for funding but declined due to the installation cost for the practices. Overall, she thinks MSCD did well and there is still a need to have the engineering done for contract projects. She is happy to report that since Chris and Udeni are available to help Paul we are getting caught up with the engineering backlog. Closing out for the year, we have funded and obligated nine contracts: 3 AMA Programs which highlight irrigation and high tunnels and 6 for EQIP Program. The nine contracts total \$216,334 and span over 414 acres of conservation. The practices installed encompass watering facility for horses, crossings, composting, nutrient management, high tunnels, and associated practices. Charlotte noted that cooperators have been paid for installing BMPs. The total amount for installing the BMPs is \$97,302 and span over 93 acres. The practices that were paid include irrigation, stream crossing, conservation cover, pollinator planting, prescribed grazing, and watering facility. More than \$216,000 is obligated for the upcoming year and over \$97,000 was paid out. There is still one RCPP contract that is pending, and the cooperator must decide no later than next week. The RCPP contract is for converting cropland to grazing. Charlotte shared that with the new fiscal year she will be providing updates for the next meeting.

After Charlotte presented her report, John asked about the local conservation workgroup that normally occurs around this time. John noted that the local workgroup prioritizes the conservation needs within the District. Charlotte shared that currently there are no guidance and while she was acting in the position there was suggestions to review the usage of local workgroup. Charlotte noted that her detail replacement was swamped and was blindsided with an audit. Charlotte was uncertain about the status of filling the position that would be responsible for the Local Workgroup under EQIP. John noted that there has been an increase for technical assistance requests during COVID it seems to have more than doubled. OAG commented that they too have seen an increase. Jeremy believes that the increase has occurred because the AG Reserve is functioning as intended. Jeremy also noted that due to the increase, the OAG is looking to hire an engineer for the District utilizing WQPC funding and cost share with MDA. In addition, Jeremy wants to reclassify the Principle Administrative Aid position that was held by Melissa Steed to a professional level, Senior Business Development Specialist. The chairman also noted that several farmers have other occupations and with the pandemic they have been available to work more on the farm and this may be a factor in the increase for the request for technical assistance.

**NEW BUSINESS:** John then began to review with the Board his District Managers Report that was sent prior to the meeting, he explained that some items have already been discussed and for those, he would not report on those items again. Below are the items that John presented.

**Small Pond MOU Comments Submitted to MDE** – In the Summer MASCD meeting, there was much discussion about the MOU proposed by MDE for Small Pond approval process for the State of Maryland and District. John explained that the District was asked to supply comments to MDE by September 1<sup>st</sup>. John explained that in the supervisor’s packet there was a complete listing of comments provided. John briefly reviewed each comment with the Board. John then commented that during the MASCD meeting there was discussion to hold a regional meeting to discuss the MDE MOUs and to brainstorm solutions. We will be meeting with the Western MD Districts on 10/13. Baltimore SCD will host the meeting and it will be both an in person and virtual. John explained he isn’t sure what the outcome will be or how productive these meetings will be as each District has unique issues with small pond approvals. The MOU drafted by MDE is not a document the District will be able to sign as written. While he explained that he will report back to the Board the details from the discussion, if any supervisor would like to attend this meeting virtually, the details of the virtual meeting are included in your packet under new business Item B.

**Farm Bureau Farmside Chat – 9/8 Forest Conservation-** This farmside chat was held at Billy Willard’s farm on White’s Ferry Road in Poolesville. While this was another important topic to Montgomery County Farmers the event was lightly attended by both State and County elected officials. Delegate Pam Queen has attended most of these sessions along with Andrew Friedson and Han’s Reimers assistant, **Tommy Heyboer**. Charlotte and Travis attended this session for the District. While this was discussed under Jeremy’s report, John wanted to highlight that HB991 also call for planting 5 million new trees by 2030. John is concerned, just like solar installations, farmland will be targeted for these new plantings furthering the loss of productive agricultural land.

**BMP Verification – Montgomery County** - John met with Bill Tharpe and Jillian Pyle who will be assigned to Montgomery for the next few months to reengage in the BMP verification process. Her first day in the office was September 7<sup>th</sup> and we have pulled several requested files for her to begin the process. We are going to do a BMP verification article for the October newsletter to introduce Jillian and to explain to our readers the work she is performing and why it is important to landowners to cooperate with the review. It is anticipated the Jillian will be working with us initially for about two months.

**Update on latest COVID-19 Protocols** - COVID 19 continues to impact our District operations. John explained that he participated in a Federal COVID 19 virtual meeting concerning federal protocols and mandates and then later received information from MDA encouraging Districts in nonfederal leased spaces to adopt similar protocols. The report listed the protocols for the Ag History Farm Park and MDA. Tim inquired if the county has provided any upgrades to the HVAC systems. Jeremy remarked on this item and provided details and noted that they have not been upgraded. John added that most of the Federal and State protocols are similar to what the County requires, so he doesn’t see a big issue in cooperating with the State/Fed requirements.

**Annual Audit Engagement** – In anticipation of the forthcoming audit, Daniel Ensor of TGM Group was notified and provided the documents for review. We have received notification from MDA about the annual audit and believe we will meet the October deadline for submission. John shared that Karen does a good job in reference to MSCD finances and we do not anticipate any issues concerning our annual audit.

**Healthy Soil Grant Program-** Kelly Nichols shared Information on this item and this grant allows for additional incentives on top of what farmers are already receiving from MDA for winter cover crops planted this fall. The new program would require a two-year commitment for a producer that enrolls, as well as an in-

field soil analysis by resource professionals, and the implementation of a new cover crop practice. As an example, this could include switching from a single species cover crop to a multi-species mix or changing the species in a mix you have previously used. The District sent this information out to producers enrolled in this year's cover crop program to help gauge the level of interest in this new program. J. Harne also reached out to several producers he thought might be a good fit for the program to let them know of this opportunity.

**NRCS – Lease Issue** - On August 30<sup>th</sup>, the NRCS state office contacted the District concerning a new mandate coming from NRCS national headquarters that involves the space occupied by NRCS in the District office. NRCS headquarters has indicated that “NRCS needs to be in the new lease for the Derwood office. Even though the District has an agreement in place that allows NRCS to occupy the spaces at no charge, NRCS headquarters needs to ensure the real estate occupied by USDA is folded into an actual Lease contract. John explained that he reached out to Jeremy concerning this issue and he raised the question, is the Farm Service Agency included in this new mandate? As you may be aware, FSA has a lease agreement with Parks. Jeremy suggests that perhaps the FSA lease needs to be amended to include USDA NRCS in the FSA Lease. As you know, the current arrangement with the County has the County picking up the cost for space. Jeremy believes that if NRCS needs to be a signatory to a lease agreement, it seems to make sense that they be included in lease parks has with FSA. This may end up changing the long-standing arrangement where the space included in the lease by FSA will result in payment for the space occupied. NRCS seems to agree with this approach and will be coordinating with FSA on the lease agreement. There was a great deal of discussion on this matter and the chairman felt that this is between the landlord and the tenant, and he felt that John should not be involved. Jeremy interjected and provided his insight on this matter. John's main concern is that the District may lose some of their space if it becomes officially leased space by the feds.

**MASCD Committee Assignments** - During the MASCD Central Meeting, Van Funk was seeking volunteers from the Central Area for the Resolutions and the Awards Committees of the MASCD. At the time no one was willing to take on these roles. Since this Central Area meeting, he has received one volunteer for each committee: Eric Hadaway (Baltimore SCD) has volunteered for the Awards Committee; and Jon Quinn (Cecil SCD) has volunteered for the Resolutions Committee. Van is asking that we review the nominations and either respond by email on behalf of your District with an affirmative for Eric and Jon as Central Area representatives or provide an alternative name for all the Districts in the Central Area to consider.

John recommends that the Board support these two nominations. If amiable I will respond back to Van with an affirmative vote for both of these committee appointments. A motion was made by Robert Butts and seconded by Tim McGrath and passed approving Eric Hadaway and Jon Quinn for the volunteer committees.

#### **OLD BUSINESS:**

**Cooperators Dinner/Details Update** – John reported that we are moving along with the planning for our annual cooperator's dinner despite the recent uptick in COVID cases. When the decision was made to move ahead with the dinner in June, cases were in a steady decline and the exposure rate was less than 1%. This decision to move ahead put into place contractual obligations to secure a food vendor for the event. While the steady rise in COVID cases is disconcerting, and we anticipate this will have an impact on the number of individuals attending, we believe measures can be taken to gather safely. The venue is outdoors, and we can supply masks, hand sanitizers and coordinate social distancing as much as possible. We have received about 60 RSVPs. We are still a few days away from the event and will probably get a few more wanting to attend. We have received some regrets because of COVID. Karen and I will be meeting with Hallie Butler on Monday to finalize last minute details concerning the space at Butler's Orchard.

**Update on MDA Planner Position – Herr** – John reported on the status of our MDA Planner II employee. He explained that some supervisors are already aware that MDA decided not to extend employment to

Kathleen Herr during her 90-day review that was conducted on July 21<sup>st</sup>. There were a number of issues that led to this decision and John indicated that he supported MDA in this decision. MDA will be recruiting to refill this position. Kathleen was hired as a Planner II. We are slated for a total of 3 new planners. Two would be Planner I and potentially fill Kathleen's either as Planner I or II. Will work with Adam to discuss these options.

August 12<sup>th</sup> was MDA's application deadline for hiring 2 Planner I's. This recruitment does not include Kathleen's position at this time. John explained that he would still like to explore with MDA a potential for converting the planner to another technical position. It would be more advantageous to have a higher tech to planner ratio.

**Update on NRCS/UCA** - On Wednesday, NRCS sent out to Districts an updated MOA. It was determined that the UCA agreements may not be appropriate as NRCS now recognizes that Districts are a separate entity from the other State/MASCD cooperating partners. They now want districts to execute separate MOAs and not a UCA agreement.

John explained that he has been provided a draft and will review and make comments and share with the Board at the October meeting. NRCS does not expect comments on the MOA from Districts until November at the earliest.

**Other Old Business Information Items.**

The District participated in both Montgomery County Magnet School programs (August 3 and 5) and STEM Teachers program on August 12<sup>th</sup>. These programs were well received by students and teachers and desire to participate in similar programs during the summer of 2022.

Montgomery County's State Champions from Richard Montgomery participated in the National Envirothon Program on July 26<sup>th</sup>. The National Event was held virtually by the sponsoring state of Nebraska. I am proud to report our team finished 9<sup>th</sup> among over 45 teams from across the country, Canada and South East Asia. This is a team full of sophomores so the future for our program looks bright.

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

**ADJOURNMENT AND NEXT MEETING**

The meeting officially adjourned at 10:40 and the next scheduled Board of Supervisors Meeting is October 10, 2021.

Respectfully submitted,

  
Karen Walker, Administrative Assistant

<b><u>MEETINGS ATTENDED</u></b>	<b><u>PERCENTAGE</u></b>
Butz	92%
Butts	92%
McGrath	100%
Linda Lewis	100%
Doug Tregoning	100%
*Linthicum	75%
*Joe Lehman	67%
*Chris Miller	67%

\*Associate Member