

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
July 16, 2021

Approved
9/10/21

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
Adam Lyon, MDA
Kelly Nichol, Extension
Brandy Gibbons, Acting 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 and asked Adam Lyon, Patuxent Area Coordinator to present his report.

Agency Reports:

MARYLAND DEPARTMENT OF AGRICULTURE: Adam Lyon, Patuxent Area Coordinator presented his report and noted MDA is back to normal operations. MDA staff have returned to the office effective July 1st. Adam noted there are a few select employees who are eligible to telework for a maximum of two days per week. Adam then shared that the Cover Crop application period closed today and hopes that all applicants will get their applications post marked by July 16th. Adam asked John Zawitoski about the Cover Crop sign up status for MSCD. John shared that he had received a call from the Cover Crop Administrative Officer, Dawn Bradley and he told her that MSCD has received approximately 30 applications, but they had not yet been entered into the 2021-2022 SQL database. John shared that MSCD made calls on Monday to our cover crop participants to provide a friendly reminder of the July 16th deadline. John mentioned there are still 3 applicants that Karen will follow up with after the Board Meeting. Adam shared all claims for payments from last year's cover crop program have been processed and forwarded to the comptrollers' office. If any producers call inquiring about their payment, let them know that it's out of MDA's hands and being processed. Currently, MACS is working on finalizing the language for the newly adopted 100% cost share BMPs. Adam has spoken with Thomas Bagamsah, MDA Agriculture Resource Conservation Specialist, and the target date to have the language finalized is the end of July. Applications for the 100% cost share cannot be received until the regulations are published.

Next, Adam shared that when the SSSC last met, they decided to reform the Horse Outreach Workgroup (HOW). Adam is taking the lead in this effort and noted that he will be contacting Travis Gorleski to participate with this group. Adam mentioned there is a lot of information in various places (conservation tracker, nutrient management, animal health etc.) and the goal is to blend the data and create an Equine GIS

database to better inform our outreach efforts. The plan is for HOW to meet in person in September and to attend upcoming equine events. The equine industry has a 5-star event that is scheduled for October. Lastly, Adam reported MDA is working with Human Resources on recruitment and 2 additional planners for the MSCD. Adam shared that the Human Resource process is being streamlined.

OFFICE OF AGRICULTURE: Jeremy Criss provided the report and noted the Agricultural Activities Center is now open for agricultural agency employees. September 1, 2021 is the target date to open the building to the public and volunteers and he noted that 68% of the County's population have received one dose of the vaccine and 62% are fully vaccinated. Montgomery County has the highest vaccination rate. [Data - COVID-19 Information Portal - Montgomery County, Maryland \(montgomerycountymd.gov\)](#). Jeremy then reported on the following items:

- 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. In response to the OAG concerns surrounding the enforcement and penalties language on lines 158-170, the Director of DEP has stated they will delete the language below entirely and he said, "We think we can make significant progress without that provision."

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. *Please see the attached letter from the AAC. 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.* [2707_1_14390_Bill_16-2021_Introduction_20210504.pdf](#). John shared that MSCD prepared and sent a testimony letter about this matter and a copy will be forwarded to Jeremy.

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

- Update on the gravel portion of River Road. The DOT test results found asbestos in the gravel along the road. *The County Council forwarded a letter to the County Executive stating: **We are calling on you to direct MCDOT to implement a permanent solution that stops this potentially hazardous material from spreading onto adjacent properties.*** A copy of the letter was provided in Jeremy's report to all the Supervisors. This section of River Road between Edwards Ferry Road and Whites Ferry Road is an Exceptional Rustic Road, making it important that we act to protect its historic and rural character. **However, preservation cannot take higher priority than health and safety.** Ensuring the continued rustic nature of this portion of River Road must be done in a manner that protects residents. We believe the County can find a solution that replaces the gravel while maintaining the "look and feel" of the road.
- MD Farm Bureau and MCFB Farmside Chats: Both the **Food Resiliency** (June 8th) and **Livestock Processing & Grain Farming** – (July 1st) resulted in productive conversation and a good turnout.

There are three more Farmside Chats scheduled. They are as follows:

Deer Damage - Thursday, August 5th at 7 PM - Jamison Farm

Forest Banking - Wednesday, September 8th at 9:30 AM - Willard Family Farm

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

- The Thrive 2050 Public Record closed on Friday July 9, 2021. <https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210615/2021061516D.pdf>. *Provided as an attachment to the Supervisor's packet is a letter from the AAC regarding the Planning Board's recommendation to remove the Agricultural Reserve Chapter from the Thrive 2050 Report and move it to an appendix. Putting the Ag Reserve Chapter in the appendix only serves to deemphasize the importance of the Ag Reserve to this report.*

As part of the Thrive 2050 plan, community health is a factor that is being addressed. Jeremy thanked Doug for his support in this effort. Provided to Supervisors as an attachment to their agenda packet, is a recruitment flyer from the Department of Health and Human Services. The County conducts community health needs assessments to determine what different populations need for better health. The County is holding meetings in different areas featuring different demographics to build a list of those community's health needs. One of these meetings will be held to determine the Agricultural Reserves health needs. The flyer provided in the packet contains information on how to sign up for this meeting. **It will be a virtual meeting held on July 20th at 6pm.** Please sign up and let your voice be heard. Jeremy thanked Linda for signing up to attend and this will give her the opportunity to address the health issues on River Road.

- The Subdivision Regulation Amendment 21-01 is scheduled on Tuesday July 20, 2021, as a full Council Work Session. The SRA 21-01 will remove commercial buildings from the subdivision process when the buildings are used for agritourism, on-site farm markets and farm alcohol production. The MNCPPC generally supports this SRA 21-01 although they have remitted recommendations that will still require commercial buildings to meet forest conservation, historic preservation, family burial sites, and road dedication. Jeremy noted the Park and Planning generally support this SRA and he thanked Mike Scheffel for representing OAG in this meeting. Jeremy believes that the council will provide support in this effort.
- Update on Leaf-Gro- The MDA "certifier" changed their determination on the allowance of Leaf-Gro. This happens occasionally as certifiers complete material reviews to determine if the product should be allowed or disallowed. In this case, MDA did a re-review of the (Leaf-Gro) material based on the fact that another certifier removed the (Leaf-Gro) material from its approved list. The MDA "certifier" reviewed the USDA organic regulations and a number of other resources and determined, based on that review, that the (Leaf-Gro) product should not be allowed. Based on the feedback from MDA about their process and decision, the USDA stands by the MDA decision. Jeremy noted that the ink on the bag disqualifies Leaf-Gro as certified organic soil amendment.
- US Senator Ben Cardin would like to schedule a Conversation with Farmers on Friday July 23, 2021, at 1:00 pm. The Senator is interested in hearing updates on how the agricultural community is moving past the COVID-19 Pandemic including an update on federal programs and initiatives impacting agriculture. *Please see the attached message with the proposed program-agenda of agricultural issues that will be discussed. Jeremy noted that it will be a virtual meeting and he encouraged everyone to attend.*

Following the OAG report, Robert Butz commented on DEP's proposed regulations on Electric Lawn Care Tools and explained the challenges he has experienced in managing his vineyard as well as the opportunity to use more electric lawn tools. Robert mentioned the leaf blower is one of the toughest tools to electrify because it uses a fair amount of power. Robert said it is one of the most expensive tools and he finds it odd that this is the main one they are targeted first on the restricted list.

Upcoming Meetings and Events:

Montgomery Soil Conservation District-July 16, 2021, 9:00 am
Community Health and Needs Assessment-July 20, 2021, 6:00 pm
Montgomery County Agricultural Advisory Committee-July 20, 2021, 7:00 pm
Montgomery County Farm Bureau Board of Directors- August 3, 2021, 7:00 pm
MCPS Summer Agricultural Camps-August 3 and 5, 2021
Agricultural Preservation Advisory Board-August 10, 2021, 7:00 pm
MCPS/CBF-Connecting Farmers with Teachers-August 12, 2021
Montgomery County Agricultural Fair- August 13, 2021, through August 21, 2021

EXTENSION: Kelly Nichols U of MD Extension provided her report. The first item she reported is that Corn Earworm Insect Traps are out and so far, nothing exciting to report. She shared if there are other insects or crops that you want data on, she is happy to set up something and she can provide weekly updates. Kelly is happy to announce the new Frederick Ag Agent is Jarette Hurry and he starts next week. Jarette is from North Carolina Extension, where he was a Field Crops and Horticulture Agent for seven years. He has a bachelor's degree in Earth and Environmental Science from North Carolina Agriculture and Technical State University and a master's degree in Crop Science from North Carolina State University. Listed below are details for upcoming events:

- Hemp Twilight Tour – Thursday, July 29, 6:30pm - 8:30pm, at the Wye Research and Education Center in Queenstown. This event is free, but registration is limited and required. For more information and to register, visit https://go.umd.edu/hemp_twilight.
- Crops Research Twilight & Ice Cream Social – Wednesday, August 4, 4:00pm - 9:00pm at the Central Maryland Research and Education Center in Upper Marlboro. This event is free, but registration is required. Registration can be completed here.
- Small Ruminant & Pasture Field Day – Save the date for Thursday, August 12, 4:00pm - 7:00pm at the Western Maryland Research and Education Center in Keedysville. More information forthcoming.

SECRETARY/ TREASURER'S REPORT

Approval of the Board Minutes: Chairman Butz noted that all have received the minutes and asked if there was any questions or additions to the June 11, 2021, minutes. With no additions or corrections to the minutes, a motion was made by Robert Butts and then seconded by Tim McGrath and passed approving the June 11th Board minutes.

June Financial Report: Karen shared that she has paid the registration fees for the Supervisors to attend the 2021 MASCD Summer Meeting. Because the total cost was above the Board delegated staff approved amount and the registration payment was due prior to the Board meeting, Karen wanted to bring this expense to the Boards attention and to secure formal Board approval. This expense is outlined in the monthly financial report. Before continuing with the report, the Chairman noted that in general there is one motion to approve all MSCD expenses, however, because there was a large donation request for Close Encounters with Agriculture (CEWA), he wanted a separate motion. Karen was happy to report as always that the check book and bank statement have been reconciled and explained the end of year expenditures utilizing state funds. She noted that any MDA year end funds remaining will roll over into the FY22 Operating Budget. She then addressed a request from the CEWA program for a donation. Karen explained that our cash statement shows that MSCD is in a position to handle the CEWA donation request. She indicated she also needed the Board's approval to address the upcoming expenditures for MSCD Cooperators Dinner. She noted the Board will not meet in August and we

will need to incur some expenses prior to the next Board meeting. John shared some of the details concerning the Cooperators Dinner and that we are working on specialty give away items acknowledging the 75th Anniversary for the District to provide to participants attending the dinner. John shared that the venue “Butler’s Orchard” eliminates the traditional tent and port-a-potty expense. He shared MSCD has received a \$4,000 proposal from Simply Fresh on the food and provided details on other items (plaques/signs) to purchase. John proposed a \$5,000 approval for the upcoming event that would cover the food, and other miscellaneous items. After the discussion on the Cooperators Dinner, the chairman asked if John wanted to share anything in reference to the CEWA donation request. John shared that this is an important event that the District who has supported this program over the years and he noted the event will return to in person program and the funding will help address additional costs to get the program back on track. Because Doug Tregoning submitted the donation request, he recused himself from voting on this matter. The chairman summarized the motion should address 3 items: filing the June Financial Report, \$1,000 donation for CEWA and \$5,000 approval for Cooperators Dinner. A motion was made by Tim McGrath and second by Robert Butts and passed approving the MDA June Financial Report, provide \$1000 donation for CEWA and a \$5,000 preapproval for the 2021 MSCD Cooperators Dinner.

District Activities Report and Program Updates

Brandy Gibbons, the acting District Conservationist was available to answer any questions on the Activities Report. John provided assistance to Brandy with the report and mentioned there are four Requests for Assistance listed on the report and he provided details on each request. John shared all requests fall in line with the guidelines and mission of the District and he recommended the District provide them with assistance. The chairman inquired about cropland conversion for Greg Glenn that was listed on the report. Brandy responded that Greg is expanding the pastures for his operation and the current fields are cropland. Brandy noted that he has applied to the RCCP program that is a part of EQIP funding and he is looking to install grazing practices on the property. Robert questioned if he will basically be installing water troughs, fencing etc. and Brandy replied yes, waterers, pipeline, and the planting of forages. Jeremy inquired if the property was across from the Linden Farm that is owned by the Sugarloaf Citizens Associations and Brandy responded that yes this was the same property. Jeremy was under the assumption that cost share was not available for livestock conversion with fencing. Brandy responded that funding for perimeter pasture fencing is not available for initial startup operations, but it is available for an operation to expand its pastures into existing cropland. NRCS considers pastureland an improved environmental benefit over cropland. Robert Butz wanted to be clear that NRCS considers animal pasture and the results of manure from livestock as less impactful than cropland? Again, Brandy responded yes that is NRCS’s technical position. Adam confirmed the conversion of cropland to pasture in the bay model does provide a reduction. John mentioned that timeline is a concern for Greg in getting project funding. Brandy commented that Greg has met the RCPP application deadline. Lastly, Robert Butz asked if there is some type of means test in applying for funding. Brandy noted that eligibility for USDA programs is met through the Farm Service Agency (FSA) and there is an Adjusted Gross Income (AGI) certification each participant must meet in order to be eligible for USDA programs. A motion was made by Robert Butts and second by Tim McGrath and passed approving the District Activities Report.

NEW AND OLD BUSINESS UPDATES

John explained that the District Managers Report was previously sent out as a separate attachment and now contains some additional items to the report that was sent. John noted that he would address the changes and answer any questions. Below are the items that were reported.

MDA GF and CBT Budget Agreements: Supervisors were provided copies of the MDA’s General Fund and Chesapeake Bay Trust Agreements. These agreements are constructed in accordance with the budget

submissions and were before the due date. John noted that MDA has accepted our increased budget requests and that is an indicator that MDA and MSCD have a good working relationship. John encouraged the Board's support in approving these agreements for FY22 and invited Adam to provide any additional comments. Adam concurred with John and shared it is a pleasure working with MSCD staff and getting things done and noted MDA is looking forward to investing more into MSCD. Karen explained that MDA will require an original signature and that she will make arrangements to get the documents signed once the Board takes action on the agreements. Regarding live signatures, Robert Butz remarked that MSCD may want to investigate and purchase document sign software to streamline the applications process for farmers. A motion was made by Doug Tregoning and then seconded by Robert Butts and passed accepting and approving the MDA General Fund and the Chesapeake Bay Trust Agreements. Karen has planned to meet with Tim McGrath to get the live signature.

Legislator Farm Side Chat (July 1– 9:30 am): This event was mentioned in the Office of Agriculture report and John noted the chats have been good, but he would like to see more legislators attend. The Legislative Chats are a worthwhile event for MSCD to support and the next chat will be on August 5th at Bobby Jamison's farm in Poolesville. White Tail Deer management for crop protection will be the focus for the talks. Because the event will be in the evening, we are going to try and help with signage to help direct people to the farm.

District Award Recognitions (Cooperator of Year) – MSCD staff has considered a candidate that was not only active this past year but has a history of good conservation work. It is with these factors in mind that the District staff would like to recommend Delaney Gladhill as our 2021 Cooperator of the Year and Ben Allnut the Contribution to Agriculture Award. John would like to present these awards at the 2021 Annual MSCD Cooperators Dinner as well as providing recognitions and commemorative plaques for Pam Saul, (15 years of Service. Wade Butler 25 years of Service and Robert Stabler 34 years of Service on the MSCD Board and to the community. The chairman remarked that both recommended award nominations were excellent, and a motion was made by Doug Tregoning and second by Robert Butts and passed approving Delaney Gladhill as the 2021 Cooperator of the Year and Ben Allnut to be awarded the Contribution to Agriculture.

Meeting with MDE 7/15 – Small Pond Approvals - On Thursday, MDE scheduled a virtual meeting with all District's to discuss the small pond approval conundrum that has been created by NRCS' decision to remove themselves from the small pond approval process effective Jan 1, 2022. This meeting was to discuss a draft MOU MDE has drafted that will define the rules and responsibilities of District's wishing to maintain small pond approval authority.

NRCS' decision to remove themselves has created a huge challenge for Districts across the State. Some Districts may be able to comply with the terms outlined in this MOU while others (like the Montgomery District) will have real challenges. More specifically, the MOU will require the district to hire a registered professional engineer to approved Small Ponds meet certain qualifications and perform work in accordance with details outlined in the attached MOU. John noted that no Soil Conservation District felt they could sign the MOU as drafted. Robert Butz commented the changes NRCS is making will hamper the State/County in meeting the stormwater management WIP goals. Jeremy concurred that Robert's comment is on point and this needs to be stated to the upcoming meeting with the Senator Ben Cardin. Jeremy explained that Cardin is a supporter of the Chesapeake Bay and believes the Senator would be upset with the federal partners. Doug inquired about the number of requests for ponds reviews the District has received. John shared on average it is 8 to 12 per year and currently we have reviewed five. John noted his concern is not with new pond review but the aging ponds that would need to be retrofitted. John mentioned that many of the stormwater management ponds are aging and are in need of retrofitting that require meeting the NRCS 378 pond standard. This represents a major concern if NRCS will no longer be involved. Jeremy noted that wording

infrastructure is key wording that should be used in the meeting with the Senator. Robert Butz again shared his frustration with not having the technical support that is needed. Doug commented that it was noted in the 80's there is a need for more technical support. Tim asked if the changes are for ag ponds or urban. John noted that NRCS will support ag ponds. As we have discussed in previous Board meetings, the District does not have financial resources to hire a registered professional engineer.

Other District's that have complete autonomy over the small pond approvals may have the capacity to absorb this cost as part of their fee structures for small pond reviews. As you know, better than 30 years ago, the District delegated the review of small ponds to the County, City of Rockville and the City of Gaithersburg and these jurisdictions are the charging agency for these reviews.

Old Business Information Updates:

Cover Crop Program Update-Payments: MSCD has completed all the required reviews for certifying cover crop payments. MDA is now in the process for making cover crop payments. The new program sign-up began on July 1 and the deadline for applications is post marked application by July 16th. We have made calls to all prior year's participants to remind them of the deadline and to assist them if they did not receive an application mailed to them by MDA. As of today, we have 30 applicants, and we have about 3 producers from last year that have yet to apply. Karen will be making calls today to those producers.

We had a total of 38 Farmers who enrolled in the District's Commodity Cover Crop program, and we can report all the payments (\$51,000 in total) have been made to the participants. Also, we have mailed directly, applications for 2021-2022 program. The Deadline to apply for our program is also July 16th however we maintain some flexibility to extend the deadline for extenuating circumstances.

MASCD Summer Meeting Registrations: The meeting will be at the Hyatt Regency August 1, 2, and 3rd. Tim McGrath, Robert Butz, and John Zawitoski will attend all three days. Doug Tregoning plans to attend for one day. Karen has completed registration forms for Supervisors attending and has made hotel accommodations for those that will be staying overnight.

MSCD Testimony Council Bill: 16-21 - Following the last board meeting, a drafted testimony written on behalf of the District concerning council bill 16-21. The draft testimony was circulated to board members and based on comments received, were incorporated into the testimony, and remitted to the County Council. In short, our testimony advocating that all existing and new agricultural buildings should be exempted or at minimum excluded from applicability under section 18A-38B. Applicability of the legislation.

Montgomery County Fair Reminder - The Montgomery County fair returns August 13 through 21st. We will be staffing an exhibit booth with the OAG. There will be an Ag Leaders Luncheon and all Board members will be receiving invitations to attend.

Reminder: No August Board Meeting due to MASCD.

Cooperators Dinner (September 15) Reminder that our Cooperators Dinner will be on September 15th at Butler's Orchard. The dinner will begin at 5 pm and we will have an a 75th anniversary item to give away for our guests, Tim's pumpkin cannon, and wagon tours of Butlers for our guests.

Office Opening Transition Plan Update. The goal continues to return to normal business operations on September 1st. County employees assigned to the District may continue to work under their situational telework agreement until the final telework agreements are ratified. Obviously, the employee must continue to

demonstrate the capacity to maintain and complete work assignments in a timely manner. John noted the plan for the September Board of Supervisors is to be in person with the option to join in virtually.

Once the building opens for volunteers and the public, only the main entry doors (lobby) will be open. All other doors will remain locked. All volunteers, producers, visitors must enter through the main doors, log in and complete a health check prior to entry.

June 6 – Montgomery County began transition back to the office.

July 1st – State folks will be transitioned back to the Office


Federal Government remains at 50% Office Capacity for staffing.

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

ADJOURNMENT AND NEXT MEETING

The meeting officially adjourned at 10:14 and the next scheduled Board of Supervisors Meeting is September 10, 2021. The September Board Meeting will be in person with the option to attend virtually.

Respectfully submitted,



Karen Walker, Administrative Assistant

<u>MEETINGS ATTENDED</u>	<u>PERCENTAGE</u>
Butz	83%
Butts	83%
McGrath	100%
Linda Lewis	100%
Doug Tregoning	100%
*Linthicum	75%
*Joe Lehman	58%
*Chris Miller	67%

Associate Member