

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
June 9, 2023

Approved

7-14-23

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held Friday, June 9, 2023, in person and virtually on the GoToMeeting platform.

People Present:

Robert Butz, Chairman  
Tim McGrath, Treasurer  
Linda Lewis, Supervisor  
Doug Tregoning, Supervisor(virtually)  
Joe Lehman, Associate Supervisor (virtually)  
Chris Miller, Associate Supervisor  
Tom Linthicum, Associate Supervisor (virtually)  
Kelly Nichols, Extension  
Mike Scheffel, OAG  
Natalia Salazar, OAG  
Sam Engler, District Conservationist (NRCS)  
John Zawitoski, District Manager (MSCD)  
Karen Walker, Office Service Coordinator (MSCD)  
Kathleen Sigwart, (MDA)

The District Chairman, Robert Butz, called the meeting to order at 9:00 am and invited Kelly, to present the report for Extension.

**Agency Reports:**

**EXTENSION** – Kelly Nichols - U of MD Extension, presented her report and the first items was on Crop Reporting. She shared she has been scouting and wished there was more rain. Both soybeans and corn are growing slowly and there is some evidence of slugs and cut worm damage. Wheat stands look good. She is going out this afternoon and set up more insect traps for fall army worm, western cut worm and corn ear worm as well.

Next, she reported on Nutrient Management and asked if everyone has seen the MDA press release announcing that MDA is cutting funding for the University's nutrient management program. She wished she had more news and noted the open nutrient management advisor position will not be filled and the current nutrient management advisory personnel's last day will be the end of August. She mentioned there may be an opportunity to keep on a couple of "Specialist" for small acres. Kelly is working on her list to make sure all have received Nutrient Management Plans and she shared that if they knew anyone that needed a plan to let her know. She also mentioned the Grain Producers sent out an email with a form on the matter and they would like input from the farmers. Tim asked if the private sector is ready to handle the workload. Both John and Kelly feel the private sector is not ready to handle the workload. Kelly shared MDA has provided an updated list for private consultants, but she knows that list is not current and some of the consultants are out of state. Kelly shared there are current nutrient management advisors that are not on the MDA list. Tim inquired if Amanda was available to write plans and Kelly responded yes. Kelly mentioned Secretary Atticks wants to hold a summit with a listening session across the state on July 17<sup>th</sup> in Annapolis and she encouraged the Supervisors to participate. (6/23/23 Update: this listening session will be held at the Anne Arundel Community College.) John noted the listening session should have been held before making the announcement. Chairman Butz shared that MDA has made nutrient management a requirement to participate in the Cover Crop Program and now have taken away to resources to meet the requirements. The chairman suggested that the District track any negative occurrence as a result of this change. This led to a lengthy discussion, and it was noted the nutrient management is requirement to participate in other cost share programs. Kelly said if anyone needs a copy of their plan to let her know. Lastly, Kelly shared she has an intern for the summer, James Heffley and he is a senior in the UMD Institute of Applied Ag.

**OFFICE OF AGRICULTURE:** Jeremy was not available, and Mike Scheffel presented the report for OAG. Mike noted all have receive the report and John presented the report for those attending virtually. Mike indicated the change in MDA’s approach to Nutrient Management is on the OAG report but as it was already discussed, he is just referring to Supervisors to this part of the OAG report. Mike presented information on other items listed below:

**Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Easements:** The OLO report will go before the Planning Housing and Parks Committee and Mike has reached out to Councilman Friedson and the plan is to move forward on the report, but no date as of yet been established.

- **Update on Retirement of Jeremy Criss, Director of the Office of Agriculture:** Jeremy will retire on October 1, 2023, and the County has approved the request to hire the replacement to provide coverage before his retirement date. Director of the Office of Agriculture position will continue to be merit-based and the agricultural groups will be invited to participate in the interview process. The position was announced on May 30 and will be open until the end of June.
- **County Plans to Build Utility-Scale Solar Facility in Dickerson:** The County Executive (CE) is very interested in using a 729-acre property that the County owns in Dickerson for a utility-scale solar energy facility. The CE’s intention is to use all of the farmland on the property (approximately 375 acres) for the solar facility. However, the size of the solar facility will be limited by the transmitting capacity of the power line between the Dickerson incinerator power plant and the nearby PEPCO sub-station, which is 73 MW. Both Mike and Natalia believe this project is contingent on Montgomery County receiving a federal grant to do this endeavor. Natalia shared the real challenge is with Potomac Edison. There was a discussion on the process and zoning for a farmer to have solar.
- **Meeting between OAG and MCDOT on Rustic Roads:** On May 23, 2023, the OAG and representatives of the agricultural groups met virtually with the Montgomery County Department of Transportation (MCDOT) to discuss maintenance on rustic roads. Mike explained that we all know the challenges of working with the Rustic Roads Advisory Committee and indicated issues concerning rustic roads are normally complaint-driven, not inspection-driven. Jeffrey Knutsen, Chief of the Field Operations Section, said that farmers should use the County’s 311 system, which MCDOT takes seriously. Linda shared she would be calling 311. On June 20, 2023, the Council will introduce a bill to amend the section in Chapter 49, Article 8 on the Rustic Roads Advisory Committee. The public hearing will take place 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. Mike noted the biggest change is to add 2 additional members to the committee and 1 will be a farmer. It was noted more Rustic Roads are to be added and Tim shared the roads were designed so a farmer could take products to the market. Mike shared the CE is not going to support having the at large members as farmers, but he believes there are friends on the County Council that have a serious interest in hearing the farmers’ voice.
- **Visitors in the Ag Reserve:** On May 26, 2023, Secretary of Agriculture Kevin Atticks visited Michael Protas’ One Acre Farm in Dickerson. Although the Secretary did not share any specific ideas, he was engaged and took notes. Mike shared that Councilmember Dawn Luedtke did a tour on 3 farms in her district. Mike shared Lone Oak hosted a sit-down visit with her and that she seemed interested in hearing the challenges they face from day to day. Mike is hopeful that she will be an advocate for the agricultural community.

Lastly, Mike shared he has been in contact with Councilmember Natali Fani-Gonzalez and she wants to set up an Economic Committee in the fall and host a work session here at AHFP. The Councilmember is interested and wants to know the status of Ag Tourism in the County. After Mike presented the report, Tim asked if there was a new Planning Board for Park and Planning. Mike responded yes and noted Artie Harris is the new chair and he came from Affordable Housing. The staff believes he is a better fit than the previous chair.

**SECRETARY/ TREASURER’S REPORT:** Chairman, Robert Butz, 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 Chairman requested a motion for approval. A motion was made by Linda Lewis and seconded by Tim McGrath and passed approving the May 9, 2023, Board of Supervisors minutes.

The Chairman invited Karen to present the financial reports. She reported that checkbook and the bank statement have been reconciled. She is trying to spend down the remaining MDA FY23 funds before the end of the fiscal year. She noted there were no MDA expense for the month of May and the Supervisors payout payment has been done. The only upcoming expense is for the MASCD Summer Meeting, and she would provide follow up on Supervisors planning to attend. Karen noted there were only 2 expenses for this month. The first was for the Envirothon and paying for substitute teachers and the second was MSCD share for the Montgomery County Fair Booth. John shared that MASCD is looking for financial assistance to support the summer meeting like they did last year. John shared the chairman was cautious last year and requested MASCD provide details before extending funds. Last year Montgomery SCD provided funding for the meetings audio system. Because there were no specifics in the asking for the supplemental, the Board chose not to be a sponsor. The chairman requested a motion to file the financial statements. A motion was made by Linda Lewis and seconded by Tim McGrath and passed approving to file the May financial report.

**DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE:** The Chairman invited the District Conservationist to present the Activities Report. Sam shared there were 4 Nutrient Management Plans completed, 9 conservation plans in progress and 14 conservation plans for approval as part of the proposed closed session. Sam said the report reflects MSCD staff has been doing a lot of field work. Sam shared NRCS is wrapping up programs for this year and Montgomery has 16 contracts totaling just under \$250K. John mentioned MSCD has received 3 Request for Assistance. John noted that one request is from a person that refused to comply with MSCD recommendation on a previous request from several years ago. Given the sensitivity of the private landowner information, the Chairman deferred this discussion to the proposed closed session.

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

**Cover Crop Program FY23 Close Out:** MSCD Commodity Cover Crop Payments are anticipated to go out next week and the State Deadline for Spring Reporting was June 5<sup>th</sup>. The Districts are required to provide 10% spot checks and they are to be completed by June 14<sup>th</sup>. John shared details on a producer reporting a kill down of 141 acres; however, MDA's Satellite imagery could not detect kill down. MDA requested a spot check for this producer and J. went out and it appears MDA's assessment was correct. J. provided a notice to the producer so they are not surprised by a letter that will be forthcoming from MDA. The producer can appeal MDA's decision to the Secretary of Agriculture.

**Cover Crop Program m FY24 Sign Up June 21<sup>st</sup>-July17<sup>th</sup>.** - The 2023-2024 Cover Crop Program (Traditional and MSCD Commodity) will begin on June 21<sup>st</sup> and run through July 17<sup>th</sup>. MDA will not be mailing out applications and the District has been instructed not to accept any application without a current nutrient management certification form. John shared details on the program and noted that cooperators are going to have to sign the program information/policy form to acknowledge their understanding of all the program requirements.

**SSCC Discussion on Board Recruitment/Retention** - John attended the May SSCC meeting where there was broad discussion on Board recruitment and retention. There were several areas of discussion involving how Board's identify, recruit, and build capacity among Board members. John shared great details on the situation and the challenges they face. SSCC wants the Boards to establish formal transitions plans. John briefly discussed some strategies the Board could employ to help attract new Board members. One item John discussed was the limitation of eligibility to County residents. He explained we have many good candidates that operate lands in multiple Counties but are not residents. A change in State Law would be required to expand eligibility to non-county residents who operate/have controlling interest in lands in the County.

**Summary of the June 5<sup>th</sup>, WIP Update** - Tim, Doug, Linda and most of our staff sat in on the meeting. We discussed the WIP progress and focused on four areas (Animal Waste Management Systems; Forest Buffer (exclusions) associated with livestock; Grassed Buffer (exclusions) associated with livestock and Grassed Buffers on Cropland) that need our focus. John shared details on the approach to address the 4 areas.

**Edgewood Neighborhood Park Retrofit Project** – MSCD was asked by DEP to weigh in on a pond retrofit project to determine if the pond structure could be considered exempt from the small pond approval process. This is the first project

Charley has worked on. Charley has been running several models and computations to determine a dam breach hazard risk to structures downstream from the pond. John shared details and noted Charley's preliminary findings are that he believes the project would qualify for the exemption.

**NRCS Maryland State Office Temporary Relocation-** NRCS State Office is temporarily relocating to Beltsville until new space can be identified in the Annapolis Area.

**Doodle Poll – MASCD Area Meeting (July)** - MASCD has moved away from holding formal MASCD area Meetings during the Summer Meeting and has asked areas to hold these meetings ahead of the Summer Meeting. They are looking for topics for discussion, potential resolutions, or any other business to bring before the central area group. Following the meeting, John will resend the link to supervisors for the doodle poll with suggested dates for the Central Area Meeting.

**2023 Cooperators Dinner (9/19) Lone Oak** - John is pleased to report to the Board the location for this year's Cooperators Dinner has been set. This year, the event moves back to the east side of the County and will be held at Lone Oak Brewery on Tuesday, September 19<sup>th</sup>. Karen, Kat and John met with Lone Oak's Event Planner to tour the facility and to discuss what would be needed to hold the dinner. This is another excellent location and will surely be a popular venue for cooperators to visit.

**MDA cancels Nutrient Management Contract with U of MD** – This item was addressed extensively under the U of MD Extension report.

**OLD BUSINESS**

**MDA GF/CBT Agreements** - Karen remitted the signed General Fund and CBT Agreements to MDA. MDA has executed these documents and provided copies to the District. These agreements are for FY24 that will begin on July 1<sup>st</sup>.

**MASCD Awards** - The MASCD Awards were due on May 19<sup>th</sup> and the District completed 6 award submission packages: MAFC District of the Year, Education Award, Newsletter Award, Teacher of the Year Award, Cooperator of the Year Award and Attendance Award.

**Lead Reclamation Update** - We received confirmation from MNCPPC that a decision has been reached to exempt the lead reclamation project from Forest Conservation. This was the correct decision.

**MASCD Summer Meeting Reminder** - The MASCD Annual meeting's registration is open. The meeting will be held August 27-29 at the Hyatt in Cambridge. Karen will be following up for attendance and registration.

**Engineering Update** - We have been successful in getting Charley access to the federal network, he has access to the software needed to do his analysis and he has all his credentials and his link pass that makes him fully functional. John expressed his appreciation to NRCS and the State Office for getting Charley processed so quickly.

**Board Executive Session Summary from the May 12<sup>th</sup> Closed Session**

In accordance with (§ 3-306) (c)(2) or § 3-104, the Montgomery Soil Conservation District Board of Supervisors held a closed session for the purpose **“To protect the privacy or reputation of individuals concerning a matter not related to public business.”**

**Time of closed session:** 10:30 a.m. **Place:** Multi-Purpose Room – Agricultural History Farm Park.

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

**Persons attending closed session:** Zawitoski, Walker, Butz, Butts, Tregoning McGrath, Lewis, 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 3 Conservation Plans

**Board Chairman Statement about entering into a closed Session following the June 9<sup>th</sup> MSCD Open Meeting.**

MSCD Chairman Robert Butz made the following statement: In accordance with (§ 3-306)(c)(2) or § 3-104:

“Immediately following the Open Session Meeting, The Montgomery Soil Conservation District Board of Supervisors intends to enter a closed session. In accordance with (§ 3-306) (c)(2) of the Open Meetings Law, and for the purpose **to protect the privacy or reputation of individuals concerning a matter not related to public business**”; the Board by majority vote shall enter into the closed session to discuss and approve Soil Conservation and Water Quality Plans and to discuss landowner specific details involving a request for assistance from a County Landowner.

**Motion to Enter Closed Session made by:** Linda Lewis

**Motion seconded by:** Tim McGrath

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

**Opposed:** None

**Abstaining:** None

**Absent:** Robert Butts

**ADJOURNMENT AND NEXT MEETING** The Chairman having no correspondences to share, informed the Board the next 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 July 14, 2023, at 9:00 am. The open meeting was adjourned at 10:02 am.

Regards,



Karen Walker, Administrative Assistant

**MEETINGS HELD**

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

**MEETINGS ATTENDED**

80%
60%
100%
100%
80%
100%
100%
100%

\*Associate Member

