

Approved
3-13-20

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MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
MINUTES
January 10, 2020

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held at the Agricultural History Farm Park, Derwood, MD, Friday, January 10, 2020.

People Present:

Robert Butz, Chair
Wade Butler, Vice Chair
Robert Butts, Board Member
Robert Stabler, Board Member
Pam Saul, Treasurer
Tim McGrath, Associate Supervisor
Jeremy Criss, Office of Agriculture (OAG)
Adam Lyons, Maryland Department of Agriculture (MDA)
Charlotte Brewster, District Conservationist (NRCS)
John Zawitoski, District Manager (MSCD)
Karen Walker, Administrative Assistant (MSCD)

The Chair, Robert Butz, called the meeting to order at 9:00 am.

AGENCY REPORTS

Office of Agriculture (OAG)

Jeremy Criss reported the Agritourism Study Advisory Committee's (ASAC) Study and Final Report was presented to the Montgomery County Planning Board on December 19, 2019. The Planning Board did not take a position or vote on the Report. There will be a transmittal memorandum forwarding the Report to the County Council. We will need to see what the County Council wants to do.

Jeremy then explained that the Elrich Administration has proposed a comprehensive tree trimming effort to bring the farmers using Rustic Roads together with Rustic Roads supporters to reach consensus on acceptable tree trimming standards. The site visit that was scheduled in December was cancelled. The OAG has prepared a strategy to address agricultural concerns with these roads and the effort will include representatives from the [MCFB, AAC, MAP and APAB]. Jeremy is working with Dale Tibbitts to plan a fieldtrip which will be held sometime in June.

Jeremy then reviewed with the Board the following proposed State Legislation for the 2020 session: State Bill Hearing January 14, 2020:

- Montgomery County Delegation Land Use Transportation and Environment.
<http://www.montgomerycountydelegation.com/2020/documents/MC7-20stored10-29-19.pdf> - proposal to change the County Ag Transfer Tax Law, would direct the collections to be used for ag preservation and programs that support agriculture.
- <http://www.montgomerycountydelegation.com/2020/documents/MC26-20.pdf> - Adding Montgomery County to the 50 and under club for ag tourism venue capacity.
- <http://www.montgomerycountydelegation.com/2020/documents/MC6-20.pdf> - proposal to add rifles as acceptable firearms in Montgomery County while hunting with a Deer Management Permit. Please note that several farmers have expressed safety concerns surrounding the use of rifles in the County.

Jeremy then discussed local legislation and zoning text amendments.

- Bill 34-19 Taxation-Development Impact Taxes-Affordable Housing Impact Fairness. The Government Operations Committee Work Session is January 16, 2020. The Office of Agriculture, AAC and MAP provided public hearing comments in opposition to this Bill on the merits of how affordable and workforce housing policies have deemphasized the need and demand for both TDRs for receiving area projects and demand for Building Lot Termination (BLTs). The OAG and MAP are working with the sponsors (Glass and Jawando) on Bill 34-19 to explore exempting all farm lots from the Development Impact Taxes like Frederick County currently has in place.
https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2632_1_9749_Bill_34-19_Introduction_20191015.pdf
- The Planning Housing and Economic Development (PHED) Committee Work Session on ZTA 19-07 Telecommunications Towers-Limited Land Use is January 23, 2020. Please note that the existing phone towers that are attached to the top of telephone and electrical poles are not part of the 5G network. These cell towers are part of the Sprint-Nextel network.
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191119/20191119_7.pdf
- The County Council has a Zoning Text Amendment (ZTA) to allow Community Solar in the Agricultural Reserve-The ZTA proposes a total of 1,800 acres or just 2% of the Agricultural Reserve (AR) zone should be allowed for larger solar installations. Please note that this is being driven by the State of Maryland Climate Change Initiatives. It was suggested that since the ZTA would allow installations on prime and productive soils up to 1,800 acres, that in the event the 1,800-acre threshold cap is revisited for expansion in future installations the ZTA should be amended to prohibit installations on prime and productive soils. Jeremy suggested that the District provide comments during the public hearing process. Please note the public hearing was moved to March 3, 2020 @ 7:30 pm.

Jeremy made an inquiry to the Board asking if they had received the Ag Reserve Postcard Survey. He explained that all residents in the Agricultural Reserve will receive a Postcard Survey pertaining to high speed Broadband. Jeremy is asking the Board to spread the word, to tell residents to please complete the postcard and send it back in. Lastly, Jeremy shared that OAG is working on a supplemental appropriation totaling \$3.448 million for the Agricultural Land Preservation Easement Programs and is hopeful that up to 4 properties will be targeted for easements.

Upcoming Meetings and Events:

Montgomery Soil Conservation District Board of Supervisors-January 10, 2020
 Montgomery County Agricultural Preservation Advisory Board-January 14, 2020
 Government Operation (GO) Committee Work Session-Bill 34-19 January 16, 2020
 Montgomery County Agricultural Advisory Committee-January 21, 2020
 PHED Comm. Work Session-ZTA 19-07 Telecommunication Towers January 23, 2020
 Montgomery County Farm Bureau Board of Directors- February 4, 2020
 Taste of Maryland Agriculture Dinner-February 6, 2020

Maryland Department of Agriculture (MDA) – Adam Lyon provided the report for MDA and noted that the State budget will be finalized in the next couple of weeks. He anticipates that Hans Schmidt and Byron Petrauskas will speak on the budget during the MASCD Winter Meeting. Resource Conservation is hopeful that the new budget will include funding for new positions. If so, MSCD would be high on the priority list in the Patuxent region. Adam thanked the Montgomery SCD staff for completing the MACS spot-checks for capital projects and getting them in on time. Adam noted that MDA performance evaluations have been completed for the State employees in District Offices.

Tim asked Adam about the Phosphorus Management Tool (PMT) and Adam shared that no final decision has been made to delay its implementation. The PMT Advisory Committee must first make a recommendation, at which

time the Secretary of Agriculture will decide whether or not to delay the PMT. During the December PMT Advisory Committee meeting, the group voted not to recommend a delay. This tool impacts those operations with fields that have a Phosphorus-Fertility Index Value (P-FIV) of 150 or greater. Robert Butz revisited the State budget item and asked if the State was looking into providing engineering positions to assist Districts. Adam shared that MDA is investigating the potential for reclassifying positions to create growth opportunity for employees as well as options for creating an "Area Engineer" position. Achieving this is contingent on funding as well as having an adequate number of PIN positions.

SECRETARY/ TREASURER'S REPORT

The Minutes for the December 13th meeting were received and reviewed and there were no noted changes. A motion was made by Robert Stabler, seconded by Wade Butler and passed approving the December 13th Board of Supervisors Meeting Minutes.

Karen then presented the Financial Statements and noted that the checkbook and bank statement have been reconciled. Karen informed the Board that she is working with MSCD Treasurer, Pam Saul to finalize the required 1099's for operators that have received payments from the District in excess of \$600. She explained that all supervisors have elected not to receive more than \$600 payment for 2019 and therefore no 1099's have been generated for the Supervisors. Karen informed the Board that there are no invoices that need to be addressed at this time. She noted that the Board of Supervisor's normally do not hold a monthly meeting during the month of a MASCD semiannual meeting. The Winter MASCD meeting will be held on February 3rd and 4th and as result, the Board decided to cancel the February meeting. Since the February meeting is cancelled, Karen asked for the approval by the Board to expend District funds for MSCD staff to attend the February Winter Agronomy Update Meeting. A motion was made by Pam Saul and seconded by Robert Butts and passed approving to file the MDA Financial Report and to pay for MSCD staff to attend the February Winter Agronomy Update Meeting.

APPROVALS, RATIFICATIONS AND REQUESTS FOR ASSISTANCE

The District Conservationist, Charlotte Brewster explained to the Board that she and Paul Meyer participated in the Regional Technicians Workshop that was hosted in the Baltimore SCD. Charlotte shared some details from the workshop noting the changes associated with pond permitting. She also shared that LIDAR is a tool that can be used in the field to help with details in surveys. She noted that on January 21-23 there will be an informational session for NRCS employees concerning the New Farm Bill. She informed the Board that MSCD planning staff will be taking the Conservation Desktop training during the last week of February in Annapolis. Charlotte explained she has been reviewing existing contracts and noted that only one contract in Montgomery County that will be expiring in the next few months. She needs to follow up on this contract with the cooperator. Charlotte thanked Brandy and others for getting their plans on track and noted that she is looking forward to the next MSCD Staff meeting to review the Request for Assistance Report to get updates and to complete new staff assignments. Charlotte indicated that NRCS Engineer, Warren Johnson will be in the District on Tuesday and will work with Paul to identify projects for Warren to review.

Charlotte then presented Conservation Plans to the Board for approval. She indicated that these plans were for equine operations that were prepared by Travis Gorleski, the District's Equine Conservation Planner. She has reviewed the Plans and noted there are no issues recommended for the Board's approval. After the discussion on the Conservation Plans, Charlotte shared that she had one request for assistance and shared the details on the request. Tim inquired about what would be involved in removing sediment from a pond. Charlotte indicated that sediment removal from a pond is considered normal maintenance, but the sediment removed may require erosion and sediment control guidance if certain disturbance limits are exceeded. A motion was made by Robert Stabler and seconded by Wade Butler and passed approving both Conservation Plans and the Request for Assistance.

NEW BUSINESS

Election of Officers - Under Subtitle 3: State Soil Conservation Districts 8:303 “the supervisors shall designate annually a Chairman and such other Officers as may be necessary and shall have authority to change these designations. The Board felt that given Wade Butler’s term is expiring in March and that he has not chosen to seek reappointment, that the election of Officers should be postponed until the new appointment is confirmed. A motion was made by Pam Saul and seconded by Robert Stabler and passed approving to table the election of Officers until Wade’s replacement has been appointed.

SSCC/NRCS Guidance for Ag Stormwater Management – John provided, in the supervisors’ packet, a revised Stormwater Management Guidance for Agricultural Structures that was developed by the SSCC/NRCS and MDE. In short, this guidance provides a pathway for District’s to provide guidelines for assisting cooperators with stormwater management for ag structures. This now can be accomplished through the Soil Conservation and Water Quality Plan, provided the recommendations are in accordance with the NRCS Code 570. The timing on when Districts can provide this service will be dependent upon when the local field office staff have been trained and received Job Approval Authority (JAA) to plan and certify the Stormwater Runoff Control (570) standard as well as all necessary supporting conservation practices. The State Conservation Engineer and State Resource Conservationist will be reviewing the requirements for stormwater management and will develop training to NRCS and partner staff. Clients who wish to expedite the development of stormwater management plans for agricultural structures are strongly encouraged to utilize technical service providers (TSPs) or private consultants. John noted that this guidance will increase the need for the District to have an Engineer on staff.

MASCD Winter Meeting (2/3-2/4)- John shared that the next MASCD Board of Directors meeting will be held on Wednesday, February 3, 2020 at the Double Tree in Annapolis. We have reserved rooms for all supervisors but need to finalize who will be attending. Pam shared that she plans on attending on February 3rd and 4th. Karen indicated that she will complete the registration forms and contact the Supervisors for their input on the meal. The event registration forms are due by January 17th. John shared that in late December MSCD submitted to MASCD our 2019 District Highlights as well as our own District priorities as talking points when meeting with legislators. A draft of the District priorities was included in Supervisor packets.

MSCD February Meeting - The next meeting of the MSCD would fall on February 14th. If there is an MASCD meeting, the District normally wouldn’t meet until the following month. Robert Butz shared that if there are any District needs it can be addressed while attending the Winter MASCD Event. John also informed the Board that there is no space available at the Agricultural History Farm Park for the June meeting. Robert Butts said that he can host the June meeting but to please call and confirm the date. All Supervisors agreed to postpone the February Board of Supervisors Meeting and that the June Board Meeting will be held at Waredaca Farm.

Winter Agronomy Meeting (2/20) - The Winter Agronomy Meeting will be held at the Urbana Fire House on February 20th. The District staff usually attends this annual meeting as well as aid Doug in setting up and taking down the tables and chairs following the event. This year, J. Harme will be presenting, by providing a cover crop update as well as detailing some of the issues he has found with the reporting and incorporation methods used. A motion for staff to attend the meeting was addressed under the Secretary’s Report.

Mobile Slaughtering Facility Project - Grier Melick with the University of MD has approached the OAG with a business plan model for a client wishing to establish a mobile slaughter facility. Right now, we are trying to learn about the process to better understand what assistance is needed. The meeting will be held on January 23rd.

MSCD Pasture Walk/Workshop - MSCD is in the planning stages for an Equine Winter Seminar. While the program date has been set for February 28th, the venue is still being finalized. This would be Travis’ first Seminar as the MSCD Equine Conservationist, and we are assisting him with finalizing the Agenda. Travis is partnering

Extension on the Agenda and Program. Tim noted that no horse farm will be pretty during this time of the year. Jeremy asked if Travis is working with Santana? John responded that he wasn't sure but noted he was working with Doug and Natalia. John indicated he would connect Travis with Santana.

New Form/Process for W-4's - We have received notice from the County OHR concerning a new W-4 process. Copies of the forms were in the handout packet. John noted that Pam Saul alerted us to this change earlier last year.

2020 Envirothon Schedule - Our local Envirothon Training Day is set for April 1, 2020 and it will be held here at the AHFP. The local competition will be April 29, 2020 rain or shine, also at the AHFP. It was noted that the Byrd Foundation provided a \$20,000 donation for the Envirothon Program. There was a discussion on the Envirothon Program and the Board of Supervisors supports naming the Envirothon Program after Ed Byrd.

Farm Succession-Estate Planning Workshops – Supervisors were provided a copy of information from the University of Maryland Extension offering a series of workshops on estate planning and related issues in the handout packet. John provided to the Supervisors the link to register for these events, The link has been incorporated into the minutes <https://extension.umd.edu/events/series/5778>.

OLD BUSINESS

MDA MACS Status Reviews (due 1/15) MSCD has completed 7 of 8 status reviews for 2019. One that was not complete was for a riparian buffer review on Harrison Island. We have tried to arrange time with the cooperator to visit the Island, but scheduling conflicts and poor river conditions have prevented us from completing this last status review. Included in your packet is a formal request to MACS for an extension. Just prior to our meeting, MDA decided to switch out the review for Harrison Island and selected another project that received MDA Cost Share to review and MSCD will do the spot check. This spot check will be completed by the January 15th deadline.

FY19 WQPC Report Filed - The FY19 WQPC Annual Report WQPC has been finalized and transmitted to DEP along with the FY20 WQPC fund annual \$70,000 allocation. As you know, this allocation funds the District's local conservation Cost Share Assistance Program as well as our Commodity Cover Crop Program. John will be sending to the supervisors the final version of the annual report that was forwarded to DEP.

Patuxent Workgroup Annual Meeting Link - WSSC has provided a link to the Patuxent Workgroup's Annual Board Meeting. If Supervisors are interested in viewing this meeting, John will send the link via email to all Supervisors. As you may recall, WSSC scheduled this meeting at the same date and time as the District's December meeting.

FY19 Patuxent Workgroup Annual Report (1/17) – John is in the process of providing information to WSSC for the FY19 Patuxent Workgroup Annual Report. This information focuses on the conservation and educational outreach conducted in the Patuxent Watershed for FY19. This will also include documenting the full utilization of funding for the Patuxent Water Quality Cost Share Program and outlining the need for requesting additional financial resources from WSSC. This is a funding request only in accordance with our existing MOU and according to WSSC will not require the execution of a new MOU.

Conservation Desktop Training (2/25-27) Conservation Desktop Training for MSCD staff has been finalized for February 25th through 27th. All planning staff will be attending.

Donation by the Ed Byrd Charitable Foundation - In April of last year, J. Harne reached out the Ed Byrd Charitable Foundation to solicit their interest in financially supporting the District's Envirothon Program. A copy of the Thank You letter was included in the hand-out packet. John indicated he will provide an Annual Report to the Foundation showing what was accomplished through their generous donation.

BMP Verification Follow UP - As reported last month, Bill Tharpe sent a Report to the District that includes several action items to be addressed by the District. This report includes the data sheets he used during the verification process that we will retain for our records. In summary, there were three tracts requiring MSCD to follow up. Some are simply administrative that require modification within Conservation Tracker and some that may require in field confirmation. J Hame has begun coordinating the modifications within the Conservation Tracker as well as reviewing those practices that may require in field confirmation. All in all, the process went smoothly, and Bill was very pleased with the level of cooperation he received by the District and staff:

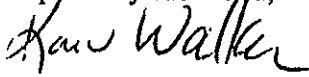
Update NRCS UCA- The NRCS December 31st deadline to execute the UCA has come and gone and we still have not received an updated UCA that incorporated our concerns, nor have we received any additional information involving the federal vehicle liability issue. We are operating under the premise of business as usual until we receive further guidance from our Federal partners.

Before the meeting officially concluded, Pam shared that a landscaping company is dumping items under powerlines. Jeremy shared that is a violation of zoning that Steve Martin of DEP should be contacted. Jeremy shared that Mark Beall is responsible for DPS zoning and compliance. Jeremy will provide Pam with the contact information and she will follow up.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 10:52 a.m. The next scheduled meeting is March 13, 2020, at the Agricultural History Farm Park.

Respectfully submitted,



Karen Walker, Administrative Assistant

<u>MEETINGS ATTENDED</u>	<u>PERCENTAGE</u>
Butz	80%
Butler	90%
Saul	100%
Stabler	80%
Butts	100%
*McGrath	100%
*Linthicum	30%
*Joe Lehman	80%
*Associate Members	

