

Approved

10-13-23

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
September 15, 2023

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held Friday, September 15, 2023, in person and virtually on the GoToMeeting platform.

People Present:

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

The District Chairman, Robert Butz, called the meeting to order at 9:00 am and invited Jeremy to present the report for the Office of Agriculture.

Agency Reports:

OFFICE OF AGRICULTURE – Jeremy Criss presented the report for the Office of Agriculture and addressed the items listed below. Jeremy noted the first three items will be continued and they will need to keep an eye on these items after his retirement. A link for all three items was provided in Jeremy’s written report.

Lastly, Jeremy reported on an item that was not listed on his report. There was a meeting with “Crossvines”, a new facility located in Poolesville with a golf course. The meeting attendees included several farmers and Crossvines representatives including the chef. Farmers were given the opportunity to have this operation purchase products that they grow, as does the Farm-to-Food Bank Program. After Jeremy presented his report, John expressed his appreciation for Jeremy’s years of service to the agricultural industry. Later in the meeting, Jeremy addressed one additional item that he previously omitted. Jeremy wanted to recognize MSCD for developing a new policy in working with the Department of Permitting Services (DPS) in handling requests for high tunnels. Jeremy provided background information and noted the cost for the permit was generally half the cost of the high tunnel. MSCD has created an avenue for the property owner requesting a high tunnel to be exempt from the DPS permit fee. The property owner is required to work with MSCD to obtain a Soil Conservation and Water Quality Plan and submit a certification form that will exempt the permitting fee and

promote urban agriculture. There was some discussion on the requirements for temporary structures and MSCD's ability to write Soil Conservation and Water Quality Plans.

MARYLAND DEPARTMENT OF AGRICULTURE (MDA) – Adam explained that MDA will have 3 new planners in the Patuxent Region (*1 in St. Mary's, 2 in Calvert*) and the biggest news is that Eileen Beard will be serving as the Acting District Manager for Calvert County. Adam noted that he has been spending time providing Eileen assistance in her new role and noted she is doing a good job.

Adam then provided an update on MDA's recruiting process for the new Central Maryland Regional Coordinator position that is scheduled to be posted soon and will mirror the SSCC regions, resulting in the Montgomery District shifting to the Central Region. Adam mentioned the Office of Resource Conservation did lose a couple of position PINs and noted the PINs were absorbed within other MDA programs. He shared the lost PINs will now prohibit the opportunity to fill the Regional Engineering Technician position. He also explained that all vacant planners and tech positions will be filled within the Districts. He congratulated Ibraheem on his official advancement to ARCH's II and noted that both he and Kathleen Sigwart are progressing quickly through the ARCH series. Adam shared that he would be attending the MSCD staff meeting on Monday. Additionally, he mentioned he has the MDA citations, and he would bring them to the Annual MSCD Cooperator Dinner. On a final note, Adam shared he placed a link in the chat regarding the beech leaf disease. This is a new disease that was discovered in Harford County, Maryland. The disease affects all beech trees, both young and old, and a press release is expected soon that will provide reporting directions. John asked if the diseased trees are destroyed, and Adam responded that he did not know the process but noted treatment research is being conducted for a cure. Adam said it was great seeing all and congratulated Mike on his new appointment.

EXTENSION – Kelly Nichols - U of MD Extension presented her report and noted that it is nice to see the rain and a break from the hot weather. She shared that with regard to traps set to detect corn earworm, she isn't catching much with the insect traps and noted corn earworm peaked in early August and she will soon remove the traps. She noted there were very few western bean cutworms and no fall armyworms detected. She will leave the traps out for the fall armyworm just in case there is an occurrence like a few years ago.

Kelly then reported there was no update on Nutrient Management and mentioned the agreement between the University and MDA has not been signed and executed. John inquired if the known cooperator needing a nutrient management plan written had been addressed. Kelly responded that she thought so but would follow up. She noted anyone needing a plan should contact her so she can put them on the list. She noted there are several vacant positions across the state that will not be filled until the agreement is signed. John shared that MASCD is developing an agreement with NRCS that would have funding available to reimburse Districts that write nutrient management plans. He believes that the Districts can write up to seven nutrient management plans under this agreement and both J. Harne and Travis are certified to write nutrient management plans. John said the District can provide some assistants in the short term and be reimbursed for the work.

Kelly explained that she has just finished working on the organic turf herbicide trial and now she needs to get the data together. She is in the middle of working on the manure injection project, collecting manure samples and ammonia and it should be in full swing next week. Doug asked what weeds they are trying to control. Kelly responded everything and there was a lengthy discussion on the different products. She shared that MDA has a Soil Health Grant to implement soil health practices that are new to the farm or the field. She noted there is only 1 year left in the program and if you have implemented new practices to let her know. Adam shared Nick Miller is the new Soil Health Program Coordinator.

The last item she presented was on pesticides and she went into great detail concerning endangered species and labelling. The annual Extension pesticide in-service meeting is scheduled for two weeks and the pesticide examination is on-line.

SECRETARY/ TREASURER'S REPORT – Chairman Robert Butz addressed the approval of Board minutes. He indicated that Supervisors have 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 Doug Tregoning, seconded by Linda Lewis, and passed approving the July 14, 2023, Board of Supervisors minutes.

Next, Chairman Butz requested Karen to present the District financial reports. Karen shared she is happy to report that the check book and bank statement have been reconciled for both July and August. Because there was no meeting in August, she has both the July and August reports to be approved. She noted MSCD has received an invoice for the annual MASCD dues and noted MDA provides \$1,100 towards this expense. She noted that there is an invoice for MPTV-Farm Harvest and indicated that last year MSCD provided \$625 in contributions towards this program. She further explained that the District has also received an official donation request from the CEWA program for \$1500. She noted there are funds available to fund all requests. Karen also mentioned there will be some additional expenses associated with the upcoming Annual Cooperator Dinner. The Chairman then requested to approve the funding requests under two motions: 1st a motion for the expenses and then a motion to file the financial reports. The first motion was made by Tim McGrath and seconded by Doug Tregoning and passed approving to pay the annual MASCD dues (\$2,750), MPTV-Farm Harvest (\$625.00) and provide a \$1,500 donation for CEWA. After the motion to approve these expenses, a motion was made by Doug Tregoning and seconded by Linda Lewis and passed approving to file the July and August MDA financial reports.

After the approval of the financials, John mentioned that Karen has redesigned the financial report format and noted she has done a good job. Karen shared that she has been proactive and has sent the auditor all the material before September 1st and the audit is due on October 22, 2023.

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE – Sam Engler, District Conservationist, presented the July and August Activities Report and noted there are 3 requests for assistance, 7 completed conservation plans, 2 designs and 2 surveys completed. Sam noted the conservation plans will be addressed in the closed session. John commented on the exceptional number (54) of completed and approved conservation plans and noted the MSCD staff is doing a great job. John said with the number of conservation plans that are in progress to be signed, MSCD is on schedule to exceed last year's number of completed and approved conservation plans.

Sam then shared information that was discussed at the MASCD Summer Meeting and noted there is a new program called the National Water Quality Initiative (NWQI). The program is designed to provide a higher cost share rate within different watersheds for installing water quality practices and he noted that Montgomery County is in the higher rate category for funding projects in the Potomac Watershed. He also explained that there is a push for enrollment in the Conservation Stewardship Program (CSP). Sam provided details on the CSP program and noted it is like EQIP but provides funding to those cooperators that go above and beyond by trying new practices, such as multi species cover crop establishment. Sam explained that there are several other practices that can be funded under the program. The Chairman commented on his experience with CSP and noted the program is worth looking into. John suggested the possibility of presenting CSP as a virtual workshop, as hosting a meeting virtually has resulted in better attendance by participants. The Chairman also suggested presenting CSP at the annual agronomy meeting and it was noted having a FAQ fact sheet would work well too. Lastly, Sam mentioned the possibility of a federal shutdown and how it could impact the District's operations.

DISTRICT MANAGERS REPORT: NEW BUSINESS

MPT Contribution – MD Farm & Harvest – This item was addressed and approved under the Secretary’s Financial Report.

Meeting 9/21 with City of Gaithersburg (Small Ponds) – John explained that an upcoming meeting with the City of Gaithersburg is scheduled for September 21st to discuss how the District may be able to assist with their small pond reviews. Currently, the County is providing funding, along with cost share assistance from MDA, for the District’s engineering position. Given the City of Gaithersburg is a separate governmental entity from the County and considering the fact the District has had separate agreements in the past with the County and the Municipalities, it seems appropriate for the City to contribute to the costs associated with the engineering position. This contribution becomes even more important considering the funding from MDA has only been provided for 2 years. After 2 years, unless fully funded by the County, alternative funding would need to be identified. This provides an opportunity for the District to discuss with the City of Gaithersburg assistance with the funding of our position and in return providing small pond review and approval of the City’s small pond projects.

MDA Structural Deficit for FY25 – John then reported that despite the new Governor beginning his term last January with a \$1.6 billion dollar surplus, State budget projects now indicate that in FY25 the State will have a structural deficit to deal with. Primarily, there will not be revenue to fund all items identified in the current State budget. While it is unknown at this juncture how this structural deficit will impact District operations, MDA has indicated the Bay program work associated with the WIP is still a high priority and budget decisions will be data driven. John believes this fiscal environment will result in closer scrutiny on the Districts in meeting the State WIP goals. Our office is working hard on our WIP, and we will be discussing progress with the WIP at each staff meeting, so that we are prepared to defend the work of the District if budget constraints create challenges for our District. Adam shared revenue projections will come out in December and provide a better picture. He noted the FY25 budget will be flat funded and shared MDA is looking to secure more funds from the Chesapeake Bay Trust Fund. Doug asked if, considering the budget shortage, MDA is concerned about losing positions. Adam responded no; however, any vacant positions have the potential to be lost.

MASCD WIP Update

John then provided a summary of the most important talking points presented by MDA during the WIP update at the summer meeting:

- We learned that Conservation Plans are expiring faster than Districts can update them in Conservation Desktop. MDA is considering an alternative way, like BMP verification, that allows the Districts to conduct site visits and confirm the current Conservation Plan is still meeting the requirements and that there are no resource concerns to address. Once verified, the plan date can be updated in tracker and the District can continue to receive the credit.
- The Nutrient Management AIR contains areas of information that aren’t required by farmers to complete and are therefore not being reported widely by farmers. Therefore, it is widely believed farmers are doing these things but are not getting credit for these practices because they are not completed in the AIR. We are discussing with Extension ways to promote the importance of farmers fully completing the AIR so that farmers are getting full credit for everything they do.
- Documenting resource improvements will be a critical component of meeting certain WIP driven goals, particularly roll off dumpsters, land retirement, riparian buffers and exclusions with fencing that have been installed by farmers on their own.

- Hans Schmidt expressed his concerns about EPA and the lack of progress being made by the partner Bay states. He indicated EPA is threatening to begin cracking down on Bay states that aren't meeting their WIP goals, Hans Schmidt indicated that there are discussions about permitting agricultural operations in PA. This is a troubling development, and he is concerned about how this might impact Maryland. This places greater emphasis on Districts staying on top of WIP progress. As result of this discussion, our District will incorporate WIP plan progress at every staff meeting instead of quarterly. This will help us focus and redirect staff more responsively to the WIP.
- Lastly, the Bay wide report card (all Bay states) received a D+ despite the efforts and strides we are making with our WIP. One main issue discussed was that despite our efforts, it could take decades for the impacts we are making on the land to show themselves in water quality monitoring data. Hans just encouraged Districts to stay focused on our goals.

New Policy Concerning Permits for High Tunnels - Jeremy acknowledged this new policy under the OAG report.

Bay Friendly Farms (FSCAP Rebrand) John explained that he included in the Supervisors packets the presentation made at MASCD that rebrands and reinitiates the defunct FASCAP Program. FASCAP has been inactive since about 2018 due to lack of funding and program staff. MASCD has received funding to rebrand and relaunch this program. It is now called Bay Friendly Farms. At this time, the program would be administered in the same fashion as FSCAP. One current limitation with the current program impacts eligibility. A farmer being evaluated as a Bay Friendly Farm must include all lands owned and rented. If one rented parcel can't meet the Bay Friendly Farm Standard, the farmer can't qualify for consideration. They are looking at alternatives that include certifications on a farm-by-farm basis, but these details are not yet available. There is new signage as well as other benefits being considered such as deferral of Nutrient Management Plan inspections for a period of 3 years. The Chairman requested the District make the effort to get the word out about this program.

Statewide Urban Agriculture Committee - During MASCD, Bill Tharpe, Program Administrator for the Small Farms and Urban Agriculture Program, discussed the Statewide Urban Agriculture Grant (HB152) that passed the General Assembly earlier this year. This bill states that the Department is to establish an advisory committee to assist with the development of the program and membership of the committee is laid out specifically within the Bill. Urban Agriculture producers from Anne Arundel, Baltimore City, Montgomery, and Prince George's Counties will represent 5 members of the committee.

In a follow up email he sent to the District and County, he has asked for our assistance in identifying potential committee members as he is not very familiar with Montgomery County. He asked if a list of urban agriculture producers can be shared with the Department to be considered for the committee. The one specific eligibility requirement is that their operation falls within an urban area designated by the US Census Bureau. The link below will open an interactive map providing this information based on the operation's address. A link to this information was provided in John's written report.

John explained that Mike reached out to Bill and provided a few names of urban farmers that would make good committee members. John asked the Supervisors that, if they had any other names that should be submitted as potential candidates for this committee, they send him the names.

OLD BUSINESS

MASCD/NRCS Cooperative Agreement -- We are anticipating an agreement from MASCD that will provide the opportunity for the District to participate in the MASCD/NRCS Cooperative agreement. This agreement

between MASCD and the District will provide funding opportunities for Conservation Planning, public outreach for underserved communities, engineering design and assistance with EQIP applications and contracts. The agreement with MASCD and NRCS will begin on October 1st. We should get an agreement for the District to execute within the next few weeks. \$500,000 would be available to the Association to fund projects the Districts assist with and the funding is projected to increase each year over the next 3 years.

Preparation for FY23 Audit -We are engaged in our Annual Audit, and it should be completed in early October.

WIP Office Hours (MDA) - MDA held its first WIP Office Hours on Sept 13 from 11:30 am to 1 pm. The next WIP Office Hours will be October 18th at the same time. Anyone wishing to have a link to this virtual meeting please let John know.

Reminder: Cooperators Dinner 9/19 @Lone Oak

D & O Insurance renewal – We received our annual application from Travelers Insurance for extending our D & O insurance coverage. We will be receiving our invoice shortly. Cost of insurance is roughly \$1,700.

CEWA (October) & October Bd Meeting – The Close Encounters with Agriculture Program kicks off in October and given the program will also happen on the day of our next Board meeting, John advocated for the Board to consider holding this meeting in a virtual setting and beginning the meeting at 8 am so that we can complete all Board business before the students arrive. The Board was in agreement with this proposal and unanimously supported hosting the October meeting virtually beginning at 8 am.

Board Executive Session Summary from the July 14th Closed Session

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

Time of closed session: 10:02 a.m. **Place:** Small Conference Room – Agricultural History Farm Park.

Members who voted to meet in closed session: Butz, 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 11 Conservation Plans

Statement concerning entering into an Executive Session following the September 15th Open Board Meeting Session:

Board Chairman Statement about entering into a closed Session following the September 15th 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 Butts, Robert Butz, Doug Tregoning, Tim McGrath, Linda Lewis

Opposed: None

Abstaining: None

Absent:

ADJOURNMENT AND NEXT MEETING The Chairman had no correspondences to share. The next meeting will be virtual and convene an hour earlier (8:00 am) due to CEWA Program. The open meeting was adjourned at 10:20 am.

Regards,



Karen Walker, Administrative Assistant

MEETINGS HELD

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

MEETINGS ATTENDED

85%
71%
100%
100%
85%
100%
85%
100%

*Associate Member

