

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
MINUTES
October 9, 2020

Approved
11/13/20

Due to COVID-19 meeting restrictions, the regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held remotely through GoToMeeting. Prior to the meeting officially starting, John introduced the Maryland Association of Soil Conservation District's (MASCD) new Executive Director, Jennifer Nelson and she provided her background and agricultural experience.

In attendance for the Board of Supervisor Meeting were Robert Butts, Vice Chairman, Pam Saul, Treasurer, Tim McGrath, Member, Adam Lyon, MDA, Jeremy Criss, Office of Agriculture, Mike Scheffel, Office of Agriculture, Karen Walker, MSCD, Travis Gorleski, MSCD, Charlotte Brewster, NRCS District Conservationist and John Zawitoski, MSCD District Manager.

The meeting officially started at 9:01 a.m. and the Vice Chairman, Robert Butts, welcomed Jennifer to the meeting and asked her to provide the MASCD report. Jennifer thanked John for providing the invitation to the meeting and explained that she is working with Lindsey with the transition of leadership. She provided details concerning the MASCD Administrative Assistant, Marguerite Guare and indicated she will remain on board as well as bringing on additional staff to help with the daily operations. Jennifer also indicated that the association has hired a lobbyist to work alongside her to conduct the Association's legislative outreach efforts.

Before moving on to the other agency reports, John requested the Board consider moving the last item under new business to first to allow Jennifer to sit in on the discussion. The Board approved.

New Business Item: NRCS Conservation Planning Manual - John explained that Steve Strano, State Resource Conservationist and Acting State Biologist for NRCS, sent via email draft documents for District comment concerning conservation planner certification and ecological sciences job approval authority policies for Maryland. In response to this email, John reached out to Steve to request an extension of time to submit comments as the MSCD would not meet prior to an October 5th comment deadline. Steve indicated that he is fine with the extended the input/comments submittal deadline to allow the MSCD Board to consider comments. Steve noted that NRCS cannot change the national policy, but only the state additions to the policy.

John reviewed with the Board, certain details concerning the conservation planning manual, particularly involving the **MD180-GM-409 State Supplement** (the Draft Maryland supplement to NRCS national planning policy). This draft supplement adds provisions to the national policy regarding planner certification requirements. John is particularly concerned with section F. Plan Signatures (3) (i). Under this section, it specifically states that "*Maryland Conservation District Boards cannot review and sign conservation plans as part of a public meeting; this includes district board meetings. Certified planners employed by the conservation district may sign conservation plans as long as no public review takes place*".

John raised this issue because of the input and knowledge possessed by Supervisors is an important part of the conservation plan approval process. This policy as written, would potentially impede the Supervisors from providing input on conservation plans and diminish their role in the conservation plan approval process. John reached out to Byron Petrauskas via email to raise the question concerning MD409-5 to see if the Office of Resource Conservation or the State Soil Conservation Committee were aware of this policy. As of the date of this meeting, John has not yet received anything official from MDA, although he did have an informal discussion with the Area Coordinator on this matter.

Prior to today's meeting, John explained that he had a conversation with Chairman Butz, and the chairman does not want to diminish the role of Supervisors in reviewing and approving conservation plans. He felt, that is the central issue concerning Supervisors approving plans was due to the public meeting aspect of a local Board meeting. This issue could be addressed by convening an Executive Session prior to the public component of the Board meeting, for the sole purpose of Supervisors reviewing and approving conservation plans. Given information in these documents are considered protected information, there would be basis for conducting an Executive Session under the guidelines of the open meetings law. Along with the advanced public notice requirement for the regular monthly Board meetings, the District would have to provide advanced public notice that an Executive Session would be held stating the general purpose of the closed session. Once the Executive Session is closed, the Board could proceed with the public Board meeting.

There was a great deal of discussion among the Board of Supervisors concerning their authority to review and to provide signatures for new or updated conservation plans. The Supervisors agreed with the Chairman's proposal to have a regularly occurring Executive Session prior to the start of the Public Board of Supervisors open meeting for the purpose of reviewing and approving conservation plans. Adam shared his thoughts and agreed that a "Close Session" would remove the potential exposure of sensitive information contained in a conservation plan if reviewed as a part of a public meeting. Vice Chairman, Robert Butts concurred that holding an Executive Session was a logical solution to this issue. A motion was made by Tim McGrath and second by Pam Saul and passed approving the District to convene an Executive Session prior to the District's public monthly Board of Supervisors Meetings for the expressed purpose of reviewing and approving conservation plans. After addressing the item above, the Vice Chair then asked Adam Lyon to proceed by providing his report for MDA.

AGENCY REPORTS

MDA- Adam Lyon reported on the current operating status for MDA and noted that employees that are approved for teleworking can continue. The protocols put in place for office entry remains intact. He then explained that Districts have been notified by the MACS Office concerning the Annual MACS Status Reviews which are due January 15, 2021. Adam recognized that the MACS Status Reviews represent another workload item that will require field visits. MDA has revised the approved work field visit guidelines to include MACS status reviews. John acknowledged receipt of the Status Reviews and indicated that he would work with staff to get the reviews scheduled. Adam then provided details concerning an opportunity MDA has to enter into a 5-year MOU with EPA. Adam noted that it will be a first for both agencies that will create an environment for pooling the resources of the MDA and EPA to fulfill the mission of getting conservation on the ground. Adam informed the Board about a webinar MDA is working with in partnership with the Maryland Horse Industry and Extension concerning composting horse manure. The webinar will be held on October 30, 2020 and that he would appreciate any help in promoting the event. John shared that the MSCD Webmaster has been contacted to send out a blast promoting the event. In addition, the District is working with Dr. Mess who has been asked to participate as a speaker, with a virtual presentation out at his farm to use during the webinar. Adam then updated the Board on both the status of new MDA positions and vehicles. He explained that MDA has the green light to fill 50 positions statewide. The current plan is to fill positions associated with the Chesapeake Bay Trust Fund first and then the remaining positions identified for District Offices. He detailed that MDA is gearing up for the delivery for the new trucks to District Offices. As soon as the new trucks can get tagged, he will be working with his districts to deliver them.

Extension - Kelly Nichols, Ag Agent, Montgomery County was not available to participate in the meeting. On Kelly's behalf, John presented the extension report on the screen and he said that he would email her file to the meeting participants. Kelly's report focused on saving the date for several upcoming meetings. In particular, she noted that while the winter meetings will look different this year, Extension will still offer a variety of

meetings on various topics. Most meetings will be held online. There will also be options to watch recorded webinars for pesticide and nutrient management credits at your convenience. For those who need non-internet or non-computer options for obtaining credits, please contact Kelly Nichols at 301-590-2807.

Office of Agriculture –Jeremy Criss provided his report for the Office of Agriculture and he noted that he had some good news to report.

Update on the expanded Farm to Food Bank Program. Jeremy explained that this program has been working well for the 6 farmers that have been participating and almost 50,000 pounds of food has been delivered to Manna with expectations of another 40,000 pounds to be delivered through the end of December. The participating farmers are being paid competitive prices above the wholesale level. The OAG has received applications from 25 farmers to participate in the Phase II program for 2021 growing season where we hope over 75,000 pounds of food will be delivered to Manna Food Center. Jeremy provided as part of his report, a summary of the Farm to Food Bank Program. Before reporting on the Solar ZTA, Jeremy thanked the District for recognizing him this year for the District’s Contribution to Agriculture Award and he was both humbled and honored to be recognized.

Jeremy then provided an update on the **Solar ZTA - 20-01**. He explained that the Full County Council Work Session that was scheduled for October 6, 2020 was postponed until Tuesday October 13, 2020. He believes the two meetings held at Randy Stabler’s house on August 28th and September 18th have helped the Council to better understand the concerns being raised by the agricultural community to slow the Solar ZTA process down. It appears that this issue may be assigned to a Task Force to study the complexities of the issue in greater detail. Council President Katz stated that he wants to propose Council Resolution to assign the Solar ZTA to a Task Force. Jeremy indicated that he was not sure if all the Council members are in support of the Solar ZTA being assigned to a Task Force to study it further.

Jeremy then provided details to the Board concerning some additional amendments that are needed to the Solar ZTA. The additional amendments include: excluding Class II prime soils for siting solar fields, allowing concrete footers for the support beams to encourage Agri-voltaic farming, clarifying if more than one 2MW solar field can be installed on large farm properties, to consider phasing in the 1,800 acres of solar fields over a period of time (600 acres X 3-five year phases = 1,800 acres), or reducing the total of 1,800 in solar fields in the AR) and requiring the solar industry to make payments in lieu of taxes that will fund farmland preservation programs.

Jeremy then reported that he was very happy that Kelly Nichols had been selected as the new Faculty Tenured Agriculture and Horticulture Extension Educator for the Central MD Cluster and she will be assigned to the Montgomery County UM-Extension office. Lastly, Jeremy reported the Office of Agriculture has been included in a Commerce Cabinet that has met on July 31st and September 11th and that his office has been working with MNCPPC on the Thrive 2050 General Plan Update. One important recommendation contained in this report involves retrofitting all vacant commercial and office space buildings into affordable housing units where TDRs and BLTs could be applied for additional density units. This could help provide a new avenue for utilizing both TDRs and BLTs.

Upcoming Meetings and Events:

Montgomery County Farm Bureau Board of Directors- October 6, 2020

Montgomery Soil Conservation District-October 9, 2020

Agricultural Preservation Advisory Board-October 13, 2020

Montgomery County Agricultural Advisory Committee-October 20, 2020

SECRETARY/ TREASURER'S REPORT

The Minutes for the September 18th meeting were received and reviewed and there were no changes noted. A motion was made by Pam Saul and then second by Tim McGrath and passed approving the September 18th board meeting minutes.

Karen then presented the financial statements and noted that the checkbook and bank statement have been reconciled. She also shared that the MDA Annual Audit Report has been done and MSCD accounting/records found no discrepancies. Karen then explained that due in part to a misunderstanding by the District on how to account for State funds that were advanced to the District for FY21 but were received during FY20, the MDA July and August Financials must be resubmitted with revisions asked for by the Department. The MDA July report only reflected the budgeted amount for the lump sum that was received (\$9,081) versus what was approved in the FY21 Budget (\$12,110). The revisions requested by the Department to the report include identifying the approved budget amounts for July and August. This information has been revised to reflect the budgeted amount in our FY21 MOU. To date there are no upcoming expenses and she noted that MSCD has not received the D&O Insurance invoice. A motion was made by Pam Saul, and then second by Tim McGrath and passed approving to file the revised financials for July and August and to file the September MDA Financial report.

APPROVALS, RATIFICATIONS AND REQUESTS FOR ASSISTANCE

Charlotte presented the Activities Report. She explained that the Conservation Desktop Planning Platform had been shut down for a week leading up to the Board meeting so the District's ability to log plans into the system was hampered. She wanted to assure Supervisors that planners have numerous plans ready to be entered into the system and our conservation planning efforts are ongoing. With this being explained, she indicated that there are 3 conservation plans for the Board's approval and that she is excited about MDA's expanded field visit policy that allows Paul back in the field. While Charlotte appreciates safety as #1 concern, the ability to have Paul and Chris in the field to finalize project designs is key to installing best management practices. Charlotte noted that the Activities Report reflects that Chris Zawitoski, Southern Maryland R C & D Soil Conservation Technician is about to finalize his first project design and his training is coming along nicely. She went on to explain that Warren Johnson, NRCS Area Engineer completed several site visits that included 2 pond issues for review. MSCD staff have created videos for the Close Encounters with Agriculture program. She shared that the celebration that took place on October 6th for the District's accomplishments at Lone Oak Brewery was great. Charlotte highlighted that all the MSCD Staff have been very busy and is looking forward to what the next Federal Fiscal year will bring. Charlotte and planning staff then shared information concerning the 3 Conservation Plans submitted for the Board's approval. It was noted that the conservation plan updates will help in achieving the WIP Goals. As a reminder, John reviewed the standing process for approving plans adopted by the Board for remote meetings. Being, once approved by the Board, the Chairman's electronic signature would be affixed to the plan following the Board meeting.

Moving on to Requests for Assistance (RFA), Charlotte informed the Board that there is only one RFA and both she and John provided details. More specifically, the RFA is associated with a fill complaint referred by the County DPS to the District. The District investigated the complaint by visiting the site and found that the area of disturbance exceeded 43,560 square feet. We learned that the disturbance had occurred over several months and the quality of the fill material was not good. It contained debris and other materials not conducive for agricultural use. Furthermore, we learned the reason for the disturbance was associated with proposed agricultural buildings. Under District policy, any disturbance exceeding 43,560 square feet for agricultural buildings should be referred to County DPS for formal erosion & sediment control and stormwater management. Given this disturbance exceeds 47,000 square feet and is for agricultural structures, by District Policy, this matter was referred back to County DPS for compliance. The landowner could still benefit by

having a Soil Conservation & Water Quality Plan prepared to address any further land disturbances associated with this operation and we should use this as an opportunity to educate the landowner. John recommended the District assist this landowner with developing a new Soil Conservation and Water Quality Plan. Pam did a quick search on the operator's business name for the state of Maryland and noted that the business "The Gardner" is not registered. Mike shared that he had instructed the operator to contact MSCD before DPS got involved. There was a lengthy discussion on this matter, and it was noted that RFA's do not require the board's approval but was good information on how the District will proceed to assist this landowner.

NEW BUSINESS

Update on recent Ag Complaints:

Katherine Wilson – This complaint concerned a Montgomery County cover crop participant who also farms acres in Howard County. Because the cover crop participant is a Montgomery County farmer, Howard SCD referred the complaint to MSCD. Mike shared additional information about the complaint and noted that it has been an ongoing problem between neighbors. Apparently, some seed from the aerial cover crop planting drifted onto her property. We provided Ms. Wilson the contact information for MDA agricultural mediation program as well as contacted the MACS office. The MACS Office indicated that they are aware of the situation and that there wasn't anything else we could do.

Curtis Anderson -Provided in your packet is the official report provided by District/MDA to DPS concerning odor complaint on 26260 Purdum Road. In short, it was determined that the operation is exempt from the Nutrient Management Law and the landowners is doing a good job by managing the manure on a weekly basis. The odors are customary with what would be associated with an operation of this size. The landowner has agreed to having a Soil Conservation and Water Quality Plan developed to see if there could be additional measures or practices that could help further mitigate animal manure odors. A Planner has been assigned.

Sherwin Wells – Trundle Road – Update on Wetland Determination. Jason Martin, NRCS State Soil Scientist completed and transmitted his wetland determination report to Mr. Wells on September 24th. In email exchanges the District has been copied on, there appears to be concerns raised by Mr. Wells involving Jason's certified wetland determination report. Mr. Wells discussed these concerns with Jason in a telephone conversation. Jason followed up with a certified letter informing Mr. Wells that his report stands as written. Jason's letter to Mr. Wells detailed that the determination was conducted in accordance with the most current version of the National Food Security Act Manual, the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions. Mr. Wells has 30 days from September 26th to file an appeal with USDA. Given we are still in this 30-day appeal window, the District will not send our conservation planner out to the property until the appeal process is finalized.

Jeremy the Director of the Office of Agriculture wanted it reflected on the record for MSCD to terminate all lines of communication with Mr. Wells. Jeremy suggested that the Board of Supervisors make a motion to pause aiding Mr. Wells. It was noted the county Regional Director, Cathy Matthews, is involved in trying to provide resolution for Mr. Wells. The property is not a farm and the wetland determination may preclude providing him assistance. Charlotte noted that her agency is obligated to continue to work with Mr. Wells. Discussion then ensued on this matter among the Board of Supervisors. In summary, the Board felt that at this time, the District has invested enough time in trying to help this landowner. The District has very limited staff and we simply do not have the resources available to provide the constant assistance this landowner demands. They noted that the District has a daunting task over the next 5 years to meet state and federally

mandated resource protection goals under the WIP. The District simply does not have the luxury of time to invest in this matter in light of the demands it places on District resources that puts our mandated WIP goals in jeopardy. Given the numerous other issues Mr. Wells faces with other County, State and Federal agencies, Pam Saul suggested that MSCD staff redirect their work effort to other items on the workload. She said that addressing other workload items will help meet the WIP mandated goals and perhaps revisit Mr. Well's once he works through the numerous other issues he has with the other units of Government. It would be premature to provide any further assistance until these matters are resolved. A formal motion was made by Pam Saul and then second by Tim McGrath and passed approving MSCD staff to redirect their work efforts to meet the mandated goals. Also, John noted that he would work with the Regional Director Cathy Matthews and inform her of the Boards position on the matter.

James Wilson – Clarksburg Road – Fill and Large Land Disturbance. – The District Conservationist Report addressed this item. The operator must resolve the fill issue with DPS. Once the issues with DPS have been resolved, MSCD will work with Mr. Wilson in developing a Conservation Plan for his operation.

TAC – Meeting Summary from October 6th - The Patuxent Workgroup Technical Advisory Committee has developed a Rural Character and Landscape chart that establishes certain goals for the TAC that involve agricultural and open space. This chart is currently being revised and the agricultural agency partners were asked to provide input. The primary issue and associated goals come under the premise of *Preserving open spaces and maintaining an economically viable and environmentally protective agricultural community*. John will provide a copy of the latest draft for supervisors to review. John shared details concerning some of the more important goals that represent changes from the last chart adopted by the TAC.

MDA Webinar Horse Manure Management (10/30) – This item was mentioned under the MDA agency report. MSCD helped with the video presentation for the Webinar that is scheduled for October 30th.

“What’s That Smell?” What Officials Need to Know - The University of Maryland Extension has developed a series of workshops with the goal in providing overview of basic ag production for grain, forage, dairy, cattle, small flock poultry, and legal issues that impact farms, to expose agency and other nonagricultural background individuals to some basic agricultural 101. Provided in the Supervisor’s packets are the listing of the workshop dates and topics to be covered.

Comcast Phone Issue and New Lines - The Office of Ag (OAG) received an email from Comcast concerning fraudulent activity on our building’s phone lines. Numerous calls were made to Ecuador and Tajikistan from the 301-590-2823 phone line. We have been instructed to immediately take the following actions to secure the PBX System and our accounts or we will be responsible for any charges made due to breach of policy. Although we do not have international calling as part of our service, we are responsible for keeping our system secure. We were instructed to take the following steps: Create new log in and change PINS for every line and to make sure international long/distance turned off. We need to also deactivate any lines or numbers that are not active.

We have conducted an audit of phone lines to make sure we need all the phone lines that are assigned to the District. We did discover two phone box line hubs that are not working and are trying to get the line issues resolved. We are also seeking to get comcast phone connectively into the new office we acquired for both Brandy and Charlotte. While Brandy does have a federal phone, we cannot connect calls coming into the main office directly to her. Charlotte has been using her cellphone from that office. I think it is important to have two phones that we can communicate and transfer calls from that office. There will be an additional expense for this connectivity but having these additional lines are important for office functionality.

NRCS – Conservation Planning Manual- This item was addressed prior to the agency reports.

OLD BUSINESS

Cover Crop Program Reminders - November the 12th is the last day to report Cover Crop. For fall cover crop certification, we have developed reporting protocols concerning how farmers can make their fall cover crop certifications. These protocols are being driven by the continued public office closure due to COVID 19. We are reaching out to all applicants to make them aware of how we will be handling fall certifications. The preferred method will be through email where farmers provide us with their planting information either marked on a map or written out with enough detail that J Harne can identify the farm and fields. The District also has an office drop box just outside the District main entrance and cooperators can drop off marked up maps or descriptions of plantings. Lastly, Cooperators may also mail in maps and/or written descriptions of plantings. We are contacting our cover crop applicants to make sure they are aware of how to report for fall certification.

Soil Health Hub Practice Concepts - On September 29th, John participated in 1 of the 4 regional Soil Health Hub meetings. The Million Acre Challenge is a collaborative project of the Chesapeake Bay Foundation, Fair Farms (a project of Waterkeepers Chesapeake), Future Harvest, Hatcher Group, the Institute for Energy and Environmental Research, and the Institute for Local Self-Reliance. The goal of the Million Acre Challenge is to work with farmers, policymakers, and consumers to support healthy soils on Maryland farms and across the greater Chesapeake region. This new collaborative project aims to catalyze the growing movement to achieve no fewer than one million acres of healthy soil in Maryland by 2030.

October Newsletter Published - John shared that the MSCD October newsletter has been published and mailed out. It's a nice edition and contains many interesting articles for our readers to enjoy.

Update on MASCD BOD Special Meeting - John explained that in light of Jen Nelson sitting in our Board meeting today, there isn't anything else that needs to be reported.

Close Encounters with Ag: Video Production Feedback - John reminded the Board, that this year's program will be conducted remotely using a combination of live presentations and recorded ones. The District is responsible for developing the content for the environmental track of the program that includes soils and wildlife habitat.

John wanted to provide Supervisors and update on this effort as well as providing them a link they could access to view the completed "Soils" and "Habitat" videos. John explained that trying to capture what makes the CEWA program so special through a remote teaching platform was not an easy task. John indicated that he was especially proud of the quality of our presentations; that we have been able to emulate very closely the program and information that is delivered to students as part of their special field trip to the AHFP. John wanted to again thank J. Harne, Chris and Travis for lending their talents and presentation skills that led to such a high quality and interesting product. John felt that is was just another example of the quality of work we produce and something Supervisors can be proud to boast on about our staff. When professional educators convey that our videos are going to be hard to top, that speaks volumes as to the quality of work we are turning out.

Provided in the remote meeting chat window was the link to view the "The Earth Beneath your Feet" soils video and "Wildlife Habitat" video produced by the District for this program. This link is also incorporated into the minutes as attached below:

The Earth Beneath your Feet https://www.youtube.com/watch?v=EEcmB11qR_4
Wildlife Habitat <https://youtu.be/VFCL09XSiv0>

CHAIRMAN CORRESPONDENCE -It was noted that good work went into the publication of the Montgomery Conservation Connection newsletter.

ADJOURNMENT AND NEXT MEETING

The meeting officially adjourned at 11:07 am and the next Board of Supervisors Meeting is scheduled for November 13, 2020.

Respectfully submitted,

Karen Walker, Administrative Assistant

| <u>MEETINGS ATTENDED</u> | <u>PERCENTAGE</u> |
|---------------------------------|--------------------------|
| Butz | 80% |
| Butts | 100% |
| Saul | 100% |
| Stabler | 50% |
| McGrath | 100% |
| *Linthicum | 50% |
| *Joe Lehman | 50% |
| *Chris Miller | 60% |
| *Associate Members | |