

DRAFT
MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
MINUTES
November 17, 2017

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held at Ag History Farm Park, 18410 Muncaster Road, Derwood, MD Friday, November 17, 2017.

People Present:

Robert Butz, Chair
Wade Butler, Vice Chair
Pam Saul, Treasurer
Robert Stabler, Board Member
Robert Butts, Board Member
Tim McGrath, Associate Supervisor
Jeremy Criss, Office of Agriculture (OAG)
Robert McAfee, Natural Resource Conservation Service (NRCS)
John Zawitoski, District Manager (MSCD)
Mike Scheffel, Maryland Department of Agriculture (MDA)
James Myers, District Conservationist
Karen Walker, Office Service Coordinator

The regular Board of Supervisors Meeting was call to order 8:58 and the chair, Robert Butz, modified the order on the Agenda items to accommodate Rob McAfee schedule that was listed on the agenda under New Business. Rob thanked the board for the invitation to attend the Board of Supervisors meeting and is open to questions and ideas from the District concerning replacing Jim Myers, District Conservationist (DC). Rob noted that MSCD made a good transition when the previous DC, J.G. Warfield retired and believes that MSCD will make it through this transition too. Given the challenges NRCS will have meeting national personnel reduction mandates, in the short term, there are two options NRCS can pursue. Both involve temporary appointments lasting for no more than 120 days. Option 1, involves temporary promotion to an existing NRCS employee where they receive a temporary salary increase but cannot receive any per diem. Option 2, involves assigning an existing NRCS staff person and a temporary assignment, where they would be eligible to receive per diem but not a salary increase. NRCS is still evaluating which option they will pursue to address the short-term staffing issue.

Rob shared that Cecil County has been operating with an acting DC and is about to embark on a 2nd 120 day appointment for an Acting DC. Rob shared that the process to appoint an acting DC begins with a formal solicitation, whereby anyone within NRCS, in or out of State can apply. NRCS then can evaluate all potential candidates for the temporary appointment. John shared information presented by Dr. Hillsman at the October 24th MASCD Board of Directors meeting concerning NRCS' September 30, 2018 personnel reduction mandate deadline, and inquired what the plan would be in moving forward, understanding that the September 30, 2018 deadline is more than 120 days away? Rob indicated that field positions are the priority and NRCS has less flexibility for being able to replace a DC; however, mandates from Washington may be changing and hiring a full time DC position is a priority and will be included on NRCS list of needed positions. Rob relayed his concern that he was not sure logistically and procedurally that

they can keep an individual in an acting DC capacity for 2 years and that NRCS and the District will need to be thinking about a Plan B. Rob indicated that he has a few ideas that he is considering but would like input from MSCD as well. Robert Butz asked how recruiting the Acting DC works, and Rob explained the process.

John expressed the concerns of the Board, that it was important to select an individual that has good interpersonal skills, is an effective communicator and possesses the necessary technical skills to lead the technical work of the District. John asked about NRCS' timeline for the acting DC solicitation. Rob shared the advertising for the position will be in December and is optimistic that an acting DC will be in place to coincide with Jim last day in January 2018.

Rob asked about some specific needs of the District, and John shared that MSCD could use additional engineering support. Jim and Rob discussed the process to receive additional engineering assistance. One specific request that was shared concerned the need for NRCS engineers to complete a functional review associated with a stream restoration project on a farm that is protected by a State agricultural land preservation easement. John said that he has been working with Warren, Jim and Kim on the project and Rob asked John to keep him informed and let him know if additional assistance is needed.

AGENCY REPORTS

MDA

Mike provided the report for MDA and noted that they are still in the process of recruiting for a full time MDA technician position. The process is hung up with their management and budget office and it could still take up to 6 months before this position can be announced and advertised. He noted that he would keep the Board informed about the opportunity for this position assigned to Montgomery SCD. Mike has sent John a sample advertisement that could be used as a template to advertise the replacement for the CB Trust Grant contractual position vacated by Mike Weyand. Mike also indicated that the MACS 2018 Capital funding has been fully committed. Mike requested that if the District finds that a cooperator is not going to move forward with an approved MACS project, please notify the MACS office so these committed funds can be directed to other projects in the pipeline. Mike then noted that he and Byron came to MSCD to observe first hand some of the challenges field staff are having with the new Cover Crop software and he thanked J. and Karen for their assistance. Mike informed the Board that the BMP verification process is still ongoing and that MDA is working to fill the vacant field verifier positions. Robert Butz relayed a concern that while he understands the relationship between the BMP verification process and the Bay Model, the emphasis should be on the hiring of field technical staff as they are the engine that gets conservation practices on the ground. Mike shared details about the BMP Verification process and noted that these technical staff positions are more than just checking off a box and are important in making sure the Ag sector meets and surpasses its TMDL goals.

OAG

Jeremy Criss, Director of Office of Agriculture thanked Karen for making copies of his report that is in the handout packet. Jeremy reported on the following items.

1. The OAG is continuing to work with Office of Human Resources to complete the reclassifications of all OAG staff- The following reclassifications are complete-John Zawitoski, District Manager MIII, Karen Walker-OSC, Melissa Steed-PAA, Cathy Yingling-AA-II, Jackie Arnold, AA-II. The following reclassifications are still pending-Vacant Farmland Preservation Program Manager, James Harne and Shelly Ingram Resource Conservationist I, II, III, and Jeremy Criss, Director MII. Jeremy is disputing how the reclassification of John's previous position was classified. Jeremy noted that it is still his goal to develop a classification series for J Harne and Shelly that would be similar to MDA's and NRCS planner series classifications.
2. The ZTA 17-06 Agricultural Zone-TDR Requirements is scheduled for the Planning Housing and Economic Development-PHED Committee on November 27, 2017 at 2:00 pm. There are three proposed amendments and the MNCPPC will not support one concerning removing the limitation for [up to 3] mobile homes. Jeremy encouraged Wade and anyone else to attend the meeting on the 27th.
3. County Council Bill 23-17 Animal Control-Performance Animal-Violations. The MCFB, AAC, MAP and the Agricultural Center submitted a third letter dated November 2, 2017 which requested additional time and assign the Bill to a working group. The Public Safety Committee scheduled a second Work Session on November 9, 2017. http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&clip_id=14035&meta_id=145753 Following the Work Session, the OAG and the Agricultural Center provided a minor amendment (**see attached**) and requested a follow up meeting with the County Council. Stay Tuned. The meeting on the November 9th was well attended. Seventy-five people from the County Ag Center showed up for the circus bill.

CURRENT LANGUAGE

Except for any animal act performed for a school as part of the school curriculum, a person or business must not financially benefit from the exhibition of a wild animal in a traveling animal act.

PROPOSED LANGUAGE

Except for any animal act performed for educational purposes at a Fair or a school, as part of the school curriculum, a person must not financially benefit from the exhibition of a wild animal in a traveling animal act.

4. County DOT removed the guard rail on Zion Road after Randy Stabler complained how it would create safety and liability issues for the County Government. The OAG has received several guard rail projects from the County DOT and the OAG has provided input on impact to the agricultural community. The County DOT is working with the Rustic Roads Advisory Committee-RRAC on the Zion Road Bridge replacement. (**Please see the letter from the RRAC attached**) The Agricultural Advisory Committee will discuss this Zion Road Bridge replacement including the recommended width of the new bridge on November 21, 2017. Guard rails targeted for replacement are types that are being phased out. In reference to Zion Road Bridge replacement, it was noted that there is a 25 ft. width requirement in order to get Federal Cost share. Along with the Zion Road Bridge discussion, the Bridge on White Ground Road was mentioned. Wade shared that he believes a single lane bridges helps to calm road speed and that if the bridge has two lanes cars will fly through creating more

dangerous situation. Jeremy indicated Rural Rustic Roads is driving the standards for this project

5. University of Maryland College of AGNR Strategic Initiatives Update from Dean Beyrouthy. [college's strategic visioning website](#)
6. State Highway Administration announcement on MD Route 28 Monocacy River Bridge construction. The SHA will be holding a community meeting on November 21, 2017 at 2:00 PM at the SHA D7 Office Training Room 1 located at 5111 Buckeystown Pike Frederick, 21704 (Please see the attached SHA flyer). The bridge is scheduled to be out for 18 month and only 1 lane during construction. The detour is extensive. Some members expressed that perhaps a total closing of the bridge would help expedite the repairs, reducing the amount of time needed to complete the work. Robert Butz plans on attending the meeting on the 21st.
7. The MNCPPC has created an Agritourism Study Advisory Committee. **(Please see the attached list of members)** The study will evaluate the current zoning and building codes of the County to see if changes are needed. There are 18 members on the committee and they will meet on November 29th to begin the study. Josh Penn will be working with the committee.
8. The Office of Agriculture sponsored a tour of three agritourism farms in Loudoun County VA on Thursday November 16, 2017. (Please see the attached program and insert of background information). The tour in Loudoun County was good and Jeremy thanked Jackie Arnold for her assistance in this event. Several County Council members' assistants attended the tour. Dale Tibbetts represented Council Member March Elrich; Tommy Heyboer represented Hans Reimer and Andrea Parodi represented George Leventhal. The County Fire Marshall attended the tour. Diane Jones of Department of Permitting services wasn't aware of all the changes made to the building code regulations impacting when building permits would be needed for ag structures. She indicated that she would discuss this with her staff. Jeremy shared details on the sites they visited on the tour.

Upcoming Meetings and Events:

Agricultural Preservation Advisory Board-November 14, 2017 @ 7:00pm
 Tour of Loudoun County VA agritourism farms-November 16, 2017
 Montgomery Soil Conservation Bd of Supervisors-November 17, 2017 @ 9:00am
 Montgomery County Agricultural Advisory Committee-November 21, 2017
 PHED Committee Work Session-ZTA 17-06-November 27, 2017@2:00pm

SECRETARY/ TREASURER'S REPORT

The minutes of the October 16th meeting were received and reviewed and there were no noted changes. A motion was made by Pam Saul and was seconded by Robert Stabler and passed approving the October Minutes.

Karen then shared information on MSCD finances. There were no MDA expenses for the month of October and the checkbook and the bank statement match. Karen asked if the Supervisors wanted to receive another payment before the year end. Karen provided the Supervisors payment list that noted who would be receiving a 1099 for year 2017. Karen shared that the

Supervisors last payment covered District activities until May 2017. Karen suggested paying the Supervisors their per diem after the January 1, 2018. Holding on to the funds would ensure funds would be available for the Supervisors to attend the 2018 MASCD Winter Meeting in February. All the Supervisors agreed not to receive a year-end payment. Karen had only one invoice to present to the board for approval. MSCD receives a subscription of the Delmarva Farmer and the staff would like to continue receiving the publication. After the discussing the Supervisors payout and the invoice, a motion was made by Wade Butler and seconded by Pam Saul and passed approving the October financial report and to pay a three year subscription (\$73.00) for the Delmarva Farmer.

After Karen addressed the financial matters, she shared the requirements for the Cover Crop Fall Certification process for supervisors. Procedurally, the District Manager should not sign off on Cover Crop applications or payments for Board Supervisors participating in the Cover Crop Program. The Chair, Robert Butz can sign off on Butler's Orchard and Pleasant Valley Farm. Another Supervisor will have to sign off on Windridge Farm. Mike Scheffel of MDA confirmed this process associated with supervisor signatures in association with the Cover Crop program. Following the meeting, Karen would coordinate with supervisors for completing the signature requirement for the Cover Crop Program.

APPROVALS, RATIFICATIONS AND REQUESTS FOR ASSISTANCE

The activities report was in the handout packet and Jim noted that there are many things happening in the county. Jim had two Requests for Assistance (RFA) and two Conservation Plans for the Board's Approval. Jim noted that Shelly is working in the horse community and doing a good job. Jim noted that there are several fill projects going on. Jim has been working with Madison House with their fill project and we are providing assistance for Waters Orchard. Wade shared information that he attended an event at Waters Orchard with a group of young growers (50-60 in attendance). Wade said that things have quieted down right now for Waters Orchard. Jim shared that a staff is working with another operator that has a problem with animals (beef) in the stream and potential forest conservation easement issues. This cooperator has requested assistance from the district to develop a conservation plan to address the forest conservation easement issues. Jim also discussed a request for assistance for a cooperator who recently purchased a farm that has several areas that the cooperator would like to use earth fill for agronomic improvement as well as evaluation of existing waste storage lagoons that could potentially be restored for irrigation purposes. The cooperator has requested MSCD assistance in updating the conservation plan as well as working on the fill project areas under the District's Earth Fill Policy. John provided the Board a map identifying the problem areas that need fill. Jim noted that the request to evaluate the repair of the lagoons for irrigation will require NRCS Engineer review and approval. Robert Stabler shared information on problems associated with the farm and noted that the new owner has an outstanding track record of being a good steward of the land and knows that he will do a top-notch job. Jim indicated that there are no issues with the RFA or the Conservation Plans and he recommended the Board's approval. A motion was made by Pam Saul and seconded by Robert Butts and passed approving the two RFA and both Conservation Plans.

Dean Cowherd, the Assistant State Soil Scientist for this region, is going on a site visit for two properties. One is for wetland determination and the other is for review for irrigation on the other property. Jim shared the deadline to sign up for all programs is December 15th. NRCS has received 3 EQIP applications for Montgomery County.

NEW BUSINESS

Discussion with Rob McAfee -Plan for District Conservationist-This item was addressed in the beginning of the Board of Supervisors meeting.

Changes to Ag Exemptions- Forest Conservation - In August of this year, MNCPPC provided guidance to the District regarding documentation requirements for agricultural exemption requests from Forest Conservation. The explanation we received from MNCPPC was that this documentation was needed to better validate the agricultural exemption approval process under Chapter 22A. John discussed the details from his review of the Forest Conservation Law and regulations. The bottom line is there has been an increase in the request for Ag Exemptions with no clear authority of the District to approve exemptions. Jeremy doesn't want a repeat of the situation that has happened with another operator in removing trees and establishing a brewery. There was a big discussion on this matter and it was suggested to invite Mark Pfefferle to a future Board Meeting to discuss the changes and to explore thresholds where a formal exemption request could be adverted. Jeremy also shared the details of another operator and the problem encountered with tree harvesting under an ag exemption where following the clearing, no agricultural use is occurring on the property and the property owner is creating problems with the surrounding neighbors.

Update on Nutrient Trading- Robert Butz and John attended the October 24th MASCD Board of Directors Meeting. There was a presentation by Lynn Buhl, of MDE regarding an update on Nutrient Leasing and Trading. These regulations will provide the pathway to allow nutrient trading from ag sector to stormwater management sector. These trades/leases would be contractually obligated only for the life of the contract period. Once the contract period is up, it would return the credits (provided the practice generating the credits was still functional) to the farmer, where they could lease the credits again or apply if needed to their own operation. Created credits will be logged into some type of nutrient credit registry where buyers can have access to connect to sellers. It was later revealed that the proposed regulations were withdrawn and then resubmitted on the same day (11-8-17). The current schedule anticipates a hearing on December 18th at MDE's Montgomery Park Headquarters and the regulations are to become effective on or about January 8, 2018.

MASCD Winter Meeting -Feb 7 & 8 – Annapolis: Information-The dates have been set and MASCD will work with Lindsay Thompson on contacting our legislators and scheduling legislative appointments. The Supervisors shared that providing gifts for the legislators is a good idea but it weighs them down. The idea is to make a light weight package for the legislators. Karen will provide the 2017 Montgomery County Agriculture Issues for the December Board Meeting.

WQPF Annual Report – A copy of the report was provided in the handout packets. John noted that the District has requested the FY18 \$70,000 WQPC Incentive Program cost share funding allocation and the invoice has been processed, and MASCD is awaiting the payment.

Chesapeake Bay Trust Grant - Mike Weyand has left the District and his last day was October 27th. We are working on advertisement for replacing Mike and will expand the avenues used to advertise the grant position. Aside from the local newspaper outlets, we will use more social media. Farmlink.net was mentioned as a source to get a good candidate. Our target is to get the

ad finalized and advertised shortly after the Thanksgiving holiday. Our current MOU has specified goals that are assigned to the Chesapeake Bay Trust (CBT) technician. These goals will be adjusted in the MOU with MDA, once the new technician is hired.

Patuxent Work Group Meetings- John attended the Patuxent Technical Advisory Committee on November 14th at WSSC. This meeting was to review last year's work plan and to discuss the format and agenda items for the annual Partnership Meeting on December 15th. Robert Butz plans on attending the December 15th meeting.

In short, the following items were discussed:

MSCD funding request for Patuxent Agricultural Cost-Share Program. - Shelly has done a good job of identifying conservation practices in the Patuxent for utilizing these funds. There is approximately \$5,800 dollars remaining and Shelly has identified a cooperator to commit these remaining funds towards. With the full commitment of the Patuxent Watershed Cost share funding pending, an opportunity to discuss the allocation of additional funding for this program at the annual meeting. A proposed level of Cost Share funding of \$50,000 was discussed and this funding level would require a three-way match requirement. The goal would be to identify the funding sources now so that the funding could be available to coincide with the start of FY19 (July 1st). This will be discussed at the December 15th meeting. We also discussed adding additional cost shareable practices to the list of eligible practices for cost share assistance.

OLD BUSINESS

MACs Update - We have received our list of 2017 MACS status reviews: Completed reviews due back to MDA by January 15th. Hans Schmidt, MDA briefed the MASCD Board of Directors on October 24th on the MACs funding update:

He noted that this approach is not intended to step back from securing adequate funding but rather trying to make MDA's cost share dollars go further. He highlighted several alternative scenarios for adjustments to the MACS program the Department is considering based on feedback from Districts and other partners. He presented some of the factors being considered and asked for comments:

- Per animal unit \$ caps by animal type
- Revise current MACS cost share rate (87.5%) based on high-priority BMPs, lessen % for lower value-reduced water quality benefit BMPs (50-75%)
- Reduce cost share rate (%) for BMPs on new poultry operations
- Require applicants to meet pre-requisites:
 - Current Nutrient Management Plan
 - Current Soil Conservation & Water Quality Plan
 - Approved/finalized BMP design

During the meeting Chairman Butz reaffirmed his concern that the MACS program not become a WIP implementation program and that there was general agreement from the focus group that the role of the district was to provide technical assistance to solve soil conservation and water quality issues impacting farmland, not to just address nutrient reduction practices.

WIP III Update: Final nutrient reduction goals generated by the new model for MD will be available in March 2018. MDA will utilize the winter and spring of 2018 to begin development

of the WIP. A draft version of the WIP III is due to EPA in December, 2018. The final is due in April, 2019. MDA will be conducting outreach meeting much like they did with WIP II in each District.

Cover Crop- Fall certification for cover crops ended on 11/13. It was a pretty rough process for District staff, the system was very slow, and the program for user at the field office level is not the most user friendly. MDA conducted a conference call with staff concerning changes to the SQL program to make it easier for field staff to enter data. It is working much better in Montgomery than other districts, our upgraded wiring and internet may have had something to do with the improved functionality of the program District. MDA lifted the restrictions as far as the days each District is allowed to enter data. We no longer have assigned days. MDA provided guidance on splitting fields, using excel to tabulate data for split fields and restricting use of the system to no more than two people in a district at a time.

It was reported that 290,000 acres had been entered state wide. MDA believes that fewer than 500,000 acres will be enrolled this year. Currently, Montgomery SCD has 15,600 acres enrolled. We have a total of 6,147 acres signed up under our local commodity cover crop program. This is down from last year's all time high of over 20,000 acres reported in the program. MDA is asking that all field data be entered into the system by November 22nd. They would like all reporting submitted to MDA by December 15th. 10% of Cover crop enrolled acreage must be spot checked in the field.

MAEF Dinner – November 2, 2017-John thanked the Board for allowing him the opportunity to represent the District for this event. He and his wife had a good time. John shared details of the event with the board.

CHAIR REPORT

Robert Butz had nothing to share with the Board.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 11:29 and the next scheduled meeting will be held on December 8th at the Ag History Farm Park. John noted the Simply Fresh will provide for the Holiday Luncheon.

Respectfully submitted,

Karen Walker, Secretary

<u>MEETINGS ATTENDED</u>	<u>PERCENTAGE</u>
Butz	100%
Butler	100%
Saul	75%
Stabler	83%
Butts	75%
*McGrath	100%
*Linthicum	92%

*Associate Members