

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
October 8, 2021

Approved  
11-12-21

Due to continuing COVID-19 meeting restrictions, the regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held remotely on the GoToMeeting virtual platform.

People Present:

Robert Butz, Chair  
Robert Butts, Vice Chair  
Tim McGrath, Treasurer  
Linda Lewis, Supervisor  
Doug Tregoning, Supervisor  
Joe Lehman, Associate Supervisor  
Chris Miller, Associate Supervisor  
Jeremy Criss, Director OAG  
Mike Scheffel, OAG  
Kelly Nichols, Extension  
Brandy Gibbons, Acting District Conservationist (NRCS)  
John Zawitoski, District Manager (MSCD)  
Karen Walker, Office Service Coordinator (MSCD)

Chairman, Robert Butz called the meeting to order at 8:59 am and invited Adam Lyon to present the MDA report.

**Agency Reports:**

**MDA:** Area Coordinator, Adam Lyon greeted the group and noted that he had good news to report. MDA has completed the last round of interviews (90 candidates) for 24 positions and two planner positions are slated for Montgomery SCD. All the documentation has been submitted to Human Resources and the hope is the new hires will be on board early to Mid-November. The documentation for the technical positions has been submitted and Adam noted there was more selectable candidates than positions available. He believes the recruitment effort was successful.

Adam then reported that Governor Hogan will announce October as Maryland Horse month. This announcement corresponds with MDA Equine Outreach initiative. Both Adam and Eileen Beard, MDA Regional Equine Specialist will be attending the 5 Star event in Fair Hill. MDA will have a booth at the event to get the word out about conservation. It was mentioned that the event will attract both horse owners and landowners. Adam commented that MDA has developed a video highlighting equine BMP's (prescribed grazing, fencing etc.) and MDA will conduct an email outreach effort to announce the availability of this video. The video was developed in partnership with Amy Posey, a Prince George's board member, and shot on location at her horse farm in Anne Arundel County. Adam mentioned that there will be more forthcoming announcements about reforming the Horse Outreach Workgroup. The Chairman remarked on the good outcome for the recruitment effort and Adam noted that there was a good number of qualified candidates and there is hope that other vacant positions can be fulfilled from this selection. The Chairman invited Kelly to provide the report for Extension.

**EXTENSION:** Kelly Nichols - U of MD Extension shared information on pesticide certification nutrient management trainings for Montgomery County which will be held in the upper part of the barn at the Ag History Farm Park. The report listed the meeting dates and provided a link to Eventbrite for the course registration. She shared that if you are not available to attend any of the Montgomery County dates the same courses will be offered in both Frederick and Howard. Montgomery County meeting dates from her report are incorporated into the minutes as outlined below:

[Pesticide Private Applicator Exam Training \(optional\)](#): November 8, 2021, 6:00 - 8:00pm

[Pesticide Private Applicator Exam](#): November 15, 2021, 6:00-8:00pm

[Pesticide Private Applicator Recertification Meeting](#): December 9, 2021, 6:00-8:00pm

[Nutrient Voucher Training](#): December 14, 2021, 6:00-8:00pm

Kelly remarked that it is exciting to get back to in person meetings **and informed the Board to save the date for the 2022 Winter Agronomy Update** that is scheduled for Wednesday, February 23, 2022, at the Urbana Fire Hall. Listed below are the items that were presented on the Extension Report.

### **Alternative Options for Obtaining Credits**

1. An online self-paced module for both pesticide private applicator and nutrient management credits. To obtain access, visit our [pesticide applicators website](#). Click on 2020 Pesticide Renewals, then follow the instructions under Option 2.
2. A workbook for pesticide private applicator credits. To obtain a workbook, please give Kelly at call at 301-590-2807.

### **Request for Information about Malathion**

USDA's Office of Pest Management Policy (OPMP) is gathering information on the use of malathion, an insecticide used in vegetables. Malathion is currently under review by EPA, and OPMP is interested in the benefits of malathion and how farmers are already stewarding it. If you are using or have used malathion in the last few years and would like to provide input, please contact Kelly at 301-590-2807.

### **Final Rule on Chlorpyrifos**

EPA has released the final rule on chlorpyrifos, which revokes tolerances for chlorpyrifos residues. "The agency's evaluation indicates that currently registered uses of chlorpyrifos result in exposures exceeding the safe levels of exposure, and thus have the potential to result in adverse effects." Currently, the final rule will go into effect on October 29, 2021, and the tolerances for all commodities will expire on February 28, 2022. For more information, visit [EPA's website](#).

### **Corn Insect Traps – Final Report**

One trap for fall armyworm and one trap for western bean cutworm were set up near Poolesville on July 8. A total of 4 fall armyworm moths were caught, all in mid to late September, indicating a low population at this location. No western bean cutworm moths were caught.

### **New Directory for Natural Area Management Services**

Extension's Woodland Stewardship Education Program has a new online directory of businesses that provide natural area land management services, including planting trees, controlling invasive insect and plant species, converting lawn to edge habitat or woodland and improving natural area recreational opportunities. To view the list, visit [https://go.umd.edu/NAMS\\_directory](https://go.umd.edu/NAMS_directory). Businesses can fill out the submission form to be included on the list

### **Upcoming Events**

**October 21: COVID-19 Vaccination: An Update**, from 1:00-2:00pm. This educational webinar hosted by University of Maryland Extension and University of Delaware Extension features Dr. Matthew Laurens from the University of Maryland School of Medicine's Center for Vaccine Development and Global Health.

**November 4:** Save the date for an Introductory Mushroom Cultivation Workshop at Whitelock **Community Farm** in Baltimore.

After Kelly shared information on the items listed, she mentioned that mushroom growing is an upcoming segment in the agriculture industry. In addition, she remarked that she just recently became aware that the

nomination for the Ag Hall of Fame is due in two weeks and that she will need some assistance to provide the submittal for Michele Cropp.

**OFFICE OF AGRICULTURE:** Jeremy Criss and Mike Scheffel then provided the report for the OAG. Mike provided an update on the Proposed Acquisition by County Parks of the Broad Run Creek Farm II LLC. Mike referred to correspondence sent to Mike Reilly, MNCPPC Parks Director from the Office of Agriculture, The Montgomery County Farm Bureau and the Chair of the Agricultural Advisory Committee. These letters highlighted concerns raised about transparency on the purchase and the intended use of the property. Mike conveyed that Caroline Taylor, Director of the Montgomery Countryside Alliance (MCA) expressed similar concerns and frustration with MNCPPC. MCA requested MNCPPC to provide a copy of the purchase contract and the request was denied. MCA is frustrated with the lack of governmental transparency. Jeremy indicated that there are legal precedents that allows a condemning authority not to reveal the details of the contract. Chairman Butz conveyed some details about a conversation with a local realtor that has been associated with the property and noted the per acre purchase price of \$600 per acre suggested by MNCPPC was very low and that there seems to be a great deal of misinformation surrounding this matter. Mike commented that Park and Planning is low balling the amount of the funds that would be earmarked to reimburse the County for the Ag easement while yielding a higher payment to the landowner. Jeremy indicated that at a minimum, the County should be reimbursed at a level consistent with what the County originally paid for the easement although currently there is no agreement on the value to be paid. There is also a discussion relating to TDRs currently attached to the property but unavailable for use that would come into play if the County Agricultural Easement was terminated. There was a short discussion on the need to amend Chapter 2B of the County code to provide greater detail and context on establishing easement value when an easement parcel is subject to a termination proceeding. Supervisor Tregoning remarked that MNCPPC's approach with this property utilizing the power of eminent domain appears to be questionable. Eminent domain is exercised to serve a greater public good and it is his opinion that there is very little public good in condemning a property already protected and at such a large taxpayer expense. In the interest of public transparency, the Chairman inquired if there had been an official Public Information Act Request (PIA) to get more information regarding this public transaction? Mike remarked that he is not aware of anything formal or related to PIA request. Jeremy commented that is something OAG can explore, and he suggested that Robert Butz contact Caroline Taylor and work with the MCA and/or the Sugarloaf Citizens Association. Robert responded that he would contact Bob Cissel of MAP and will see if he can coordinate with Caroline on a PIA request.

Jeremy then provided an update on the MCDOT staff report for the gravel portion of River Road and referred the Board to correspondence from MCDOT staff. Jeremy encouraged Supervisor Lewis to share any additional information she may have on the River Road issue. It was discussed that the current plan is to remove 8 culvert pipes although there may be more than 8 pipes needing replacement. The road is to remain open while the work is being conducted and given the potential exposure to asbestos, the road workers should be wearing proper PPE equipment. Montgomery Ag Producers (MAP) has drafted a letter requesting a complete review of Rustic Road laws and has asked Jeremy to gain support from the District, Farm Bureau and Ag Advisory for this review. Although the draft letter wasn't available for this meeting, it was noted that this program is not working and is a hindrance for the farmers. Jeremy invited Linda to share information about the matter and Linda shared details and noted that the asbestos was detected between the stretch from Elmer School and River Road.

Jeremy provided an update on the progress for Expanded Farm to Food Bank Program and referred the Board to correspondence from the Manna Food Center. Jeremy indicated that there is a need to work on product pricing and that there are other farmers wanting to join the program. There will be a farmer forum in November and the hope is to expand the program for 2022. John, the farmer forum is now planned for either December or January of 2022

Jeremy then briefly discussed several Department of Environmental Protection Legislative Proposals- Jeremy indicated that he would keep these items on his report until these items are resolved and currently there has only been a public hearing for House Bill 16-21.

- **Individual Water Supply and Sewage Disposal Systems**- The proposed legislation has still not been introduced. The enforcement and penalties provision on lines 158-170 will be deleted entirely. Jeremy noted that all homes on septic should have received a card.
- **Introduction of Bill 16-21-Environmental Sustainability**-Building Energy Use Benchmarking and Performance Standards – Amendments to Chapter 18 Environmental Sustainability. There was a public hearing on July 20, 2021, and several agricultural organizations provided letters outlining that all existing and new agricultural buildings should be exempt from this Bill 16-21. The Director of DEP provided OAG with a list of equestrian facilities in the County with buildings 25,000 square feet in size or larger to assess the energy being used for lighting, heating, and air conditioning, etc.
- **Electric Lawn Care** – The DEP has now proposed a more limited bill that will prohibit the use and sale of gasoline leaf blowers. The broader Electric Lawn Care bill will be delayed.

Jeremy then provided a summary of the last MD Farm Bureau and MCFB Farmside Chats regarding Ag Reserve Solar that was held on Wednesday, October 6<sup>th</sup> at 9 AM - Rockhill Orchard. Jeremy indicated that there was a good turnout. While we had thirty-five people that registered, 27 people attended the event. Jeremy provided a informational report to supervisors that was used as part of the Farmside Chat and it provides an update on the progress of several solar projects in the County. The Public Service Commission staff was invited to attend but weren't available for this meeting. The Public Service Commission staff indicated that they were open to receive questions and comments. OAG will coordinate with setting up a forum with the Commission. Jeremy would also like to have a separate meeting with the solar companies and Montgomery Greenbank has agreed to set up the forum. Robert Butz suggested that Jeremy contact his brother Jeremy Butz who does commercial solar and is very knowledgeable about the solar economics and industry.

**Upcoming Meetings and Events:** *Montgomery Soil Conservation District*- October 8, 2021; *Agricultural Preservation Advisory Board*-October 12, 2021, *Agricultural Advisory Committee*-October 19, 2021; *Deer Management Meeting*-October 19, 2021, *Bill 5-21-GO & PHED Committee*-October 28, 2021, *Montgomery County Farm Bureau Board of Directors*- November 2, 2021.

## **SECRETARY/ TREASURER'S REPORT**

The next item on the agenda was the approval of the Board Minutes. The chairman noted that all have received the September 10, 2021 minutes and asked if there was any questions or additions. With no additions or corrections to the minutes, a motion was made by Robert Butts and then second by Tim McGrath and passed approving the September 10<sup>th</sup> Board Minutes.

Karen then presented the District Financial Reports. Karen reported that the checkbook and the bank statement has been reconciled. Karen informed the Board that she is working with Sandy Spring Bank to get electronic access to bank statement and other reports.

Karen informed the Board that we are still awaiting the report from our auditor for our annual audit, but she does not anticipate any issues with the audit. The report is due by the end of the month and the documentation was provided to the vendor TMG Group early in September. There is only one invoice to address, and it is for the National Association of Conservation Districts (NACD) and we normally pay at the gold level \$775. Karen mentioned that MDA provides a large portion of the invoice payment (\$700) and the District is responsible for the \$75 and funding is available.

Karen then informed the Board that she intends to provide Supervisor payments for the next board meeting. Karen noted that the last Supervisors payment was made in December 2020 and it covered activities through November 2020. This payment will cover Board Meetings and activities from November 2020 through October 2021. Karen will provide all supervisors a list of activities and an estimate payment for their review and confirmation.

The last item for the financial report was a quick summary of the Cooperator's Dinner. Karen developed a spreadsheet for the Cooperator Dinner showing revenue and expense and she maintained the approved Cooperators Dinner budget.

The chairman asked if there were any questions for Karen and having no questions or comments, the Chair requested a motion to file the financial report and pay the invoice. A motion was made by Doug Tregoning and then seconded by Robert Butts and passed approving to file the MDA September Financial Report and to pay the \$775 NACD invoice.

### **District Activities Report and Program Updates**

John noted that Brandy is the Acting District Conservationist, and she would be presenting the District Activities Report. John pointed out that Conservation Planning is up (45 plans completed to date) and there are 2 months to go for the calendar year. The Chairman asked about number of conservations plans completed from the previous year and John responded we had about 30 plans completed. The Chairman noted that it's a 50% increase from the previous year and before the end of the year we want to acknowledge the hard-working staff members. John said that he is proud of the MSCD staff and Doug asked how the Montgomery District compares to other District's with getting conservation plans completed. John indicated that MDA is the gatekeeper with State Progress and that normally they don't compare one District against another. They look at what each District accomplishes year to year. John indicated that each year the annual WIP goals are the driving factor for MSCD. This year's goal was 4,000 acres and we are above that goal. Doug remarked that MSCD staff is to keep up the good work.

John indicated that one challenge moving forward involves Conservation Plan Updates. Conservation Plans are required to be updated every 10 years and there is a substantial workload associated with Conservation Plan updates with many expiring and this is the driving force behind MDA trying to fulfill Conservation Planner positions for our District. Along those lines, the Chairman shared with the Board that John had sent a letter to MDA about the challenges the Federal planning software presents with Conservation Planning. John shared that MDA went to Prince George's SCD and reviewed alternative Conservation Planning software that PG District uses for plan updates that is separate from Conservation Desktop. John plans to have MSCD Conservation Planners J. and Travis go to Prince George's SCD by the end of October to review the software. John said that there is an initial cost for the software and an annual maintenance fee. John invited Adam to share information on the matter and Adam noted MDA is providing some funding for Prince George's SCD pilot study for the Practice Keeper software. Adam shared the Practice Keeper software is GIS based and it takes considerably less time to develop a conservation plan. Adam said that MDA can provide some assistance with Practice Keeper software if MSCD is interested. Adam noted that MDA is appreciative of all the efforts that MSCD has done especially in ramping up on Conservation Plans. He said we are just 3 months in FY22 and MSCD has already exceeded the 2021 WIP acreage goals and he noted that is very impressive. John suggested to address this matter in the November Board meeting after MSCD staff has had an opportunity to review the software. The chairman responded that is great and was happy to hear the MDA is willing to provide funding assistance for Practice Keeper software.

Brandy Gibbons then presented the District Activities Report and offered to answer any questions the Board may have. There were no questions on the report and the conservation plans listed on the report would be addressed in the Executive Session.

### **New Business**

John discussed a new approach for the Board to consider in helping to keep the meetings within a two-hour time frame. Since he provides a written District Managers report each month, detailing both new and old business, he would propose the District Board review the report in advance of the meeting and then be afforded to ask questions about any details within the report or to those specific items that require Board action. It would be John's intent for the Supervisors to approve his report and then incorporate the details of the report into the minutes. In this way, we can save on time by not reporting directly on each other. This would be a similar approval process as we employ for the District Activities Report. John requested the Chairman to provide input on the matter. The Chairman noted that John puts a lot of time in on behalf of the District, and we need to be respectful of each other's time. The chairman requested that moving forward Supervisors should review the report before the meeting. The chairman agrees with the proposal of having the District Manager's report approved and address Board Action items separately. John then referred the Supervisors to his written report. John shared details on the first item in his report as his Draft comments on the NRCS MOA. NRCS would like a formal comment from the Board, and this requires board action. The chairman thanked John for his efforts and shared that he supports John's comments and thought they are good. The chairman requested a motion to approve the District Manager's report and approval to provide comments to NRCS about the MOA. A motion was made by Linda Lewis and seconded by Robert Butts and passed approving the District Manager's Report and to provide comments to NRCS on the MOA.

Incorporated into the minutes below are the salient items from the District Managers Report on New and Old Business adopted by unanimous Supervisor vote.

### **NEW BUSINESS**

**Draft NRCS MOA – Comments** -As we discussed at the September 10<sup>th</sup> Board meeting, NRCS sent out to all Districts, a draft MOA between NRCS and the District that would be in addition to the UCA. As such NRCS has determined they now need to create separate MOA's for each individual District and are asking each SCD review the Draft MOA's with District Boards and provide comments and edits to this document. Once NRCS receives our comments, they will submit to their Grants and Agreements Division for further consideration. The G&A will review MOA, and either make additional comments or approve it. Once the MOA is approved NRCS will be asking District's to approve the UCA agreements. John will need to reach out to NRCS to ask them to provide the District the newest version of the UCA. We have not received a new UCA to consider since we submitted significant comments and concerns over 2 years ago. We probably should not sign any documents until we have seen the most current UCA to better understand how our comments have been considered. The Board voted 5-0 to remit John's comments as drafted.

**Final Farmside Chat – 10/6 Ag Reserve Solar** - The final Montgomery County Farm Bureau Farmside Chat was on **Wednesday, October 6<sup>th</sup>, 2021** at 9:00 AM in Mount Airy at Rockhill Orchard. There was a great deal of discussion about the challenges of community solar, especially when solar installations consume prime and productive farmland. There was discussion on how to strike a balance for incorporating solar on farmland by locating the use on different types of operations and keeping it off the best soils.

**MDE/MASCD Small Pond Meeting -10-13** - Just wanted to provide as a reminder for any Supervisors wishing to attend the small pond meeting scheduled for our area on October 13<sup>th</sup>. This is both a virtual and in person meeting. John will be attending this meeting virtually



**MASCD Board of Directors Meeting** - Just wanted to give Supervisors a heads up about the upcoming MASCD Board of Directors Meeting. This will be an in-person BOD Meeting on October 26th. The Baltimore SCD conference room has been reserved for the meeting. Chairman Butz indicated he will be able to attend this meeting. (Following the Board meeting, we learned this will now just be a virtual meeting).

**DEP Watershed Restoration and Outreach Grant Program** – The District received an invitation from the County’s Department of Environmental Protection and the Chesapeake Bay Trust to attend a virtual informational session for the Montgomery County Watershed Restoration and Outreach Grant Program. This meeting was held on Wednesday, October 6, 2021 from 6:00- 7:30 pm.

**MACs Flat Rate Adjustments** - In response to MASCD’s resolution for MDA to address rising material costs associated with installing BMPs, MDA has released their proposed solutions to address rising material costs. MDA considered both a short term and more long-term solutions. The following are Recommendations from MACS Program

**(Short-Term) Effective September 7, 2021**, two separate options were made available to the SCDs

Option 1

- The MACS Program will accept a revised flat rate schedule from each SCD that reflects the current rising cost of materials.
- This new schedule must be consistent with MACS Program Policies.
- The deadline for submitting new flat rate schedule is December 31, 2021.
- Application of the adjusted flat rate schedule ends by June 30, 2022

Option 2

- The SCD may elect to apply a “30 %” COVID-Related Material Price Adjustment
- This will be applied as a line-item on the updated MACS Program Application Form.
- Application of the “30 %” COVID-Related Material Price Adjustment ends by June 30, 2022.

**(Long Term)**

- In the long-term, the MACS program is actively evaluating the flat rate schedule.
- More stakeholder meetings for further discussions.
- Suggestions include the following:
  1. The establishment of regional / statewide flat rates.
  2. Better Alignment to Federal Programs.
- Expected date of implementation is July 1, 2022

**Old Business – Informational Items**

**Update Cover Crop – Important dates** - Some important seeding deadlines for cover crops: October 1<sup>st</sup> for Oats and Radishes. The same date applies for mixes with vetch, clover, and winter peas. The seeding deadline for Barley is October 15<sup>th</sup>. Broadcast stalk chop and broadcast cultipacker methods must be completed by October 15<sup>th</sup>. Aerial planting methods must be completed by October 10<sup>th</sup>. All planting methods other than aerial and broadcast stalk chop require some form of incorporation. Whether it be a pass over the field with a cultipacker (following corn only) a disc, drill, or vertical tillage implement, incorporation is important for seed to soil contact. The broadcast stalk chop method requires corn stalks to be moved down to create a mulch over the seed. With all of these methods, the date of mowing or incorporation is the seeding date you should report. Within one week of planting the cover crop but no later than the dates listed in the chart below, the Operator shall certify planting information with the local Soil Conservation District.

**MACS incentive for 9/10 aerial planting deadline** - certification deadline was 9/17

**MACS incentive for 10/10 incorporated planting deadline**-certification deadline 10/16

**MACS base payment planting deadline 11/05**—Certification Deadline 11/12

**The Operator shall submit the following to the local SCD with the fall certification form:**

- Seed tags for purchased seed and seed tests for home grown seed. The seed tags need to be signed by the Operator and any seed tests not in the operator's name shall also be signed.
- All Custom planted acres including Aerial and Aerial Ground will require an FSA map designating which fields were planted and it shall be signed and dated by the applicator.

As in years past, 20% of the acreage for each cooperator is spot checked in the fall. When reporting, farmers should call the District, mail maps, or email to report acres.

**Cooperators Dinner Recap** - We were very fortunate to have such nice weather for the event. The rain showers held off until after the event. Karen has provided in the packet a copy of the financial summary for the dinner. I am happy to report that we stayed within our budget. We have also sent out thank you letters to our host, sponsors and dignitaries that attended our event. The County Executive enjoyed the event as he stayed from start to finish. We also received numerous emails and phone calls from folks that attended saying what a nice event it was. A big thanks to all our staff that pitched in to make the event a success and thanks to the supervisors for coming out for the event. We have sent our October newsletter to press which will cover stories about the Dinner as well as our award recipients. Next year, our dinner needs to be on west side of the County, so we will be looking for a special venue for this event.

**Audit Engagement** - On 9/22 we received the audit engagement document from our auditor. We have executed the engagement and we believe we will be on schedule to meet our audit deadline of October 25<sup>th</sup>.

**Close Encounters with Agriculture Update** - Despite the challenges with coordinating this program with the public school system, Doug was able to garner enough support from private and home schools to host a modified in person program for 1 week. The dates were October 5th, 6th, 7th and there were about 220 students from 10 schools that attended. The modified program was held entirely outside and ran from 10 am to 12:30 pm.

**Deer Management Meeting – 10/19 4 to 5 pm** - There is a Deer Management Meeting for October 19, 2021 from 4:00 to 5:00 pm. It has been suggested by our delegation that individuals from Farm Bureau, Montgomery Agricultural Producers, and the Soil Conservation District be invited to attend. Jane Siegler from the equestrian community, as well as Caroline Taylor from the Countryside Alliance have been invited to attend.

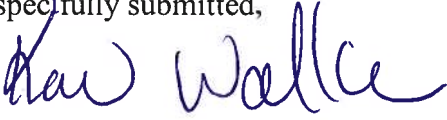


**Chairman Correspondence:** Robert Butz, the chairman noted that he has no correspondence to share.

**ADJOURNMENT AND NEXT MEETING**

The meeting officially adjourned at 9:58 and the next scheduled Board of Supervisors Meeting is November 12, 2021.

Respectfully submitted,



Karen Walker, Administrative Assistant

| <b><u>MEETINGS ATTENDED</u></b> | <b><u>PERCENTAGE</u></b> |
|---------------------------------|--------------------------|
| Butz                            | 92%                      |
| Butts                           | 100%                     |
| McGrath                         | 100%                     |
| Linda Lewis                     | 100%                     |
| Doug Tregoning                  | 100%                     |
| *Linthicum                      | 70%                      |
| *Joe Lehman                     | 80%                      |
| *Chris Miller                   | 80%                      |
| *Associate Member eighty        |                          |