

DRAFT
MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
MINUTES
April 14, 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, April 14, 2017.

People Present:

Robert Butz, Chair
Robert Stabler, Board Member
Wade Butler, Board Member
Tim McGrath, Associate Supervisor
Jeremy Criss, Office of Agriculture (OAG)
John Zawitoski, Office of Agriculture (OAG/MSCD)
Mike Scheffel, Maryland Department of Agriculture (MDA)
James Myers, District Conservationist
Karen Walker, Administrative Assistant

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

AGENCY REPORTS

MDA

Mike provided the report for MDA and noted that the MACS appropriation for FY18 has been approved. Districts will be notified about pending MACS applications and will be asked to verify the landowners' intent to complete the applied practice. Mike noted that J. Harne, Karen Walker and Mike Weyand attended the Cover Crop Training in Columbia and that MDA is moving away from the paper processing to on line cover crop applications. There should be no problems with the cover crop application; the application process is pretty straight forward. It is anticipated that the fall certification will be a challenge. Both District staff and cover crop participants are going to have to exercise patience for the fall certifications. The new process will capture the information that will be available in future cycles that will streamline the process in future years.

Mike went into greater detail concerning MDA's Capital Budget for the MACS program. While \$8 million has been appropriated for FY18, MACS already has \$5 million allocated with pending applications. This would mean that only \$3 million would be available for FY18. Mike shared that Districts will be asked to verify if farmers/cooperator who have applied are still interested in moving forward with applications/projects using MACS funding. The MDA Area Meeting will be held on May 25th in Keedysville and MSCD staff plan to attend. Mike indicated MDA will provide additional cover crop refresher training on June 5th that will be held in the Prince George's SCD. Robert Stabler inquired about the purpose of MDA Area meeting and Mike indicated that these meetings are for both MDA and NRCS staff to go over upcoming workload and other important technical and administrative information.

OAG

Jeremy provided the report from Office of Agriculture and thanked Karen for making copies for the handout packet and acknowledged John Zawitoski for stepping up to the plate as the Acting District Manager. Jeremy wanted the Board to know that John is serving in two capacities and doing a good job juggling both workloads. Listed below are the items that Jeremy shared with the Board and he noted the importance of the first two items.

The FY18 Operating Budget for OAG is scheduled with the County Council PHED committee on April 26, 2017. There was a mistake made within the FY18 operating budget concerning the Motor Pool line item. This mistake will result in a situation where by the OAG will start FY18 with a negative \$1,218. Jeremy has had discussions with the OMB to correct this mistake, however they prefer to correct the error by making a budget adjustment in FY19. As part of the County Executive mandated budget reduction exercise, The Office of Agriculture submitted a 2% reduction totaling \$20,190 to meet this mandate; however, the additional reduction from the error in the Motor Pool line item now reduces the OAG Operating Budget from \$20,190 to \$27,249 for FY18.

The Office of Human Resources has completed their review and analysis of the District Manager's job description prepared by the OAG. Jackie Arnold of OAG gathered information on all Soil Conservation Districts for the District Manager position to support the Manager III reclassification. From their review, OHR recommends reclassifying the vacant MSCD manager position from a Business Development Specialist to a Manager III. The OAG concurs with this recommendation. The next step in the process is for the OAG to submit a Decision Memorandum and Justification to Office of Management and Budget. We hope that the OMB will support OHRs recommendation, however in the event they do not, the Board of Supervisors may need to take an active role in reminding the County of the responsibilities the MSCD have that is vested under State Law. Chairman Butz inquired as to what the appropriate time would be for the MSCD to act. Zawitoski shared the appropriate timing would be if OMB does not support the reclassification as a part of the Decision Memorandum process. Jeremy noted that the Ag Advisory Committee could weigh in and provide assistance if necessary. If all goes according to plan, once the position is approved for reclassification by the administration, the OAG will move forward on announcing and filling this vacant position. Jeremy indicated that his most current thinking involves utilizing Doug Tregoning and J.G. Warfield along with himself to serve on the interview selection committee.

The HB 310-Sunday Hunting and HB 313-Archery Safety Zone Deer Hunting Bills both passed the 2017 General Assembly. Jeremy noted that the adoption of both bills provides greater flexibility and more opportunities to harvest deer. HB 310 provides 11 additional days of Sunday hunting during specified times. More specifically, ½ hour before sunrise up until 10:30 am. The time restrictions were part of a negotiated compromise with the Equine community of which Jane Seigler was the principle representative for this initiative. HB 313 reduces the size of the safety zone for archery hunters in Montgomery County within occupied dwellings or a public street. We are also working with the MD-DNR to provide greater flexibility on extending hunting season for deer that could be incorporated into deer hunting regulations for the 2017-2018 Hunting season. MD-DNR seems supportive to this approach over formal legislation.

Jeremy indicated that MOU for the UM-Extension has been signed and is hopeful that MSCD will be supportive in recommending approval MOU when the MOU is discussed as a part of today's meeting. Jeremy shared that the timing of this MOU was important, in light of

mandatory budget reductions, and the fact that with upcoming elections, that will be at least 5 new County Council members. Currently other than some dated memos, there is not sufficient documentation that memorializes the long-standing funding relationship that exists between the MSCD and the County. The MOU is a document that can be used to demonstrate this commitment of the County to the District.

The Urban Agricultural Tax Credit local legislation passed and now provides tax relief for agricultural operations in urban areas where the land is not receiving agricultural use assessment. For this year, applications for eligibility will be submitted to OAG by September 1, 2017. Starting next year, applications must be submitted to OAG by April 1st for eligibility for the Urban Tax Credit. As of right now, the OAG is aware of at least one application.

Jeremy indicated that he reached out to the MNCPPC staff to better understand why there was a delay in moving ZTA 16-02 AR Zone-TDR requirements forward. As he understood from the conversation with MNCPPC staff, assistance from the Council Legislative attorney was requested. This assistance involves a technical drafting matter. At the root of the delay is a pending determination as to whether new ZTA number should be assigned that is cleaner and free from numerous additions and deletions that appear in the ZTA's current form. Assigning a new number to the ZTA would allow the Planning Board to transmit a cleaner, more easily interpreted ZTA that would aid the Council in considering and hopefully adopting.

Jeremy noted that the Ag Advisory has two vacancies and that he is actively recruiting for farm members. Ideally, he would like an equestrian representative and one with a significant conservation background.

Upcoming Meetings and Events:

Montgomery Soil Conservation Board of Supervisors-April 14, 2017 @ 9:00am
 Agricultural Advisory Committee-Wednesday April 19, 2017 @ 7:00pm-Cancelled
 Montgomery County Farm Bureau Board of Directors-May 2, 2017 @ 7:00pm
 GreenFest DEP event in Gaithersburg- May 6, 2017
 Agricultural Preservation Advisory Board-May 9, 2017 @ 7:00pm
 Stakeholder Gathering-Advance Composting in Frederick Co. May 22, 2017

SECRETARY/ TREASURER'S REPORT

The minutes of the February 10th meeting were received and reviewed and there were no noted changes. A motion was made by Robert Stabler and was seconded by Wade Butler and passed approving the February Minutes.

Karen shared that the financial reports for January, February and March were included in the agenda handout packet. The bank statement and checkbook match for all 3 months. Karen noted that although there wasn't a Board Meeting for March, she had received approval from Robert Butz, Wade Butler and Pam Saul to move ahead with purchase of the pony pins (\$290) that were discussed in prior Board meetings. Karen shared with the Supervisors, a sample of the pin. In addition, Karen explained that the Envirothon training day expenses have been paid and that she would be providing a financial report of donations and expenses for the 2017 Envirothon. It was noted that the National Envirothon Competition will be held in Maryland at Mount Saint Mary's in Emmitsburg. Karen shared that MSCD has already provided a donation of \$1,000 for the National Envirothon.

The only expense that Karen requested approval for was reimbursement for Mike Weyand attendance for NRCS training in Annapolis and the upcoming Envirothon Competition on April 27th. Karen also noted that the District has received the MDA quarterly payment and it will be reflected on the April financial report. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving to the Financial Reports for January, February, March, as well as the reimbursement for Mike Weyand and for the expenses associated with upcoming Envirothon.

APPROVALS, RATIFICATIONS AND REQUESTS FOR ASSISTANCE

The activities report was in the handout packet and Jim shared details involving 4 conservation plans in addition to the other items that were listed on the report. Jim informed the Board that there would be discussion later in the agenda concerning a fill project that the MSCD was asked to provide technical assistance. Jim indicated that that the District is scheduled to have an Engineering Spot Check on May 15th and 16th. Concerning the EQIP program, for funding cycle one, two eligible EQIP applications were submitted. For the local EQIP, we had 7 preapproved applications of which 2 have backed out. Jeremy inquired about the status for Bridgette Downer and noted that there may be a way for Ms. Downer to receive a waiver for a building permit. Jeremy noted that Ms. Downer's property is not assessed as agriculture; therefore, she is required under County Code to obtain a building permit. Jeremy felt that before the MSCD staff provides a formal recommendation to a cooperator, that some additional questions concerning the property should be raised. Such as whether or not the property receives an agricultural use assessment. Jeremy was hopeful that the County's DPS would provide a pathway to exempt Ms. Downer from obtaining a building permit for this agricultural structure. Jim noted that NRCS will be hosting a NRCS staff meeting in WISP on May 27th and 28th. Jim also noted that he will be helping with new planner training during the week of May 1st through the 5th.

Before requesting the Board's approval for Conservation Plans and Request for Assistance, Jim wanted to make the Board aware of the request for assistance from Jeffery Shirazi. The property is agriculturally assessed and they want to work with the District on a stream crossing project for the farm. The current crossing is the only fee access to the agricultural fields. The landowner has access from two other points but these access points are no longer available. The crossing would involve the reconstruction of an old bridge that is in poor shape. The cooperator is asking help from the District to provide assistance as an bona fide agricultural use, which would provide the landowner relief from sediment and erosion control and other county permitting requirements including forest conservation. Jim shared information from an email that stated MNCPPC would like the District to take the lead on this effort.

After presenting this matter, a motion was made by Robert Stabler and seconded by Wade Butler and passed approving the 3 Requests for Assistance and the 4 Conservation Plans.

NEW BUSINESS

MSCD Board of Supervisor Appointee to SCCC - We have completed the U of MD Board of Supervisor appointment nomination packet, along with MSCD recommendation for reappointing Robert Stabler. The State Soil Conservation Committee will act on the nomination as a part of their April 24th meeting. We have received three nominees from the Montgomery County Farm Bureau (MCFB) for filling the vacancy left by George Lechluder. The MCFB indicated in their letter that any of the three nominees would make excellent supervisors (Robert Butts, Tim

McGrath, Tom Linthicum). Based on previous discussions the Board indicated a preference for recommending existing associate supervisors for appointment to supervisor. It was indicated that Robert Butts and Tim McGrath have been very good associate supervisors and choosing between these two gentlemen was not an easy decision. While both indicated a willingness to serve, the Board decided to give support for recommending Robert Butts to the SSCC.

We are in the process for putting the MCFB packet together and have drafted the MSCD letter recommending Robert Butts. The MSCD Board of Supervisors would like to encourage Tom Linthicum to become an associate supervisor. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving Robert Butts to replace George Lechlidiers' vacant supervisor position.

MOU with MSCD and Montgomery Government-The Board and the OAG have been discussing for several months the need for a formal MOU between the County and the MSCD. With the new County Executive and County Council members in December 2018, this will be a critical item to have in place. While the Board noted the merits of the MOU as a useful tool, it offers no guarantees for funding. There as a great deal of discussion on this matter and the Board concluded that the MOU advocates a positive position for the District. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving the chair, Robert Butz, to execute the MOU.

MASCD Conservation Awards-MSCD is applying for 5 MASCD Awards: Outstanding District, Education, 2016 Cooperator of the Year: Lauren Greenberger, Outstanding Contribution: IZAAK Walton-BCC and the Newsletter Awards. Karen and Shelly Ingram have been very busy leading the efforts for submitting items for the 5 awards. The deadline for awards submission is May 1, 2017. The Outstanding District Award requires the signatures of all the Boards Members and the Education Award requires only the chairman's signature. A motion was made by Wade Butler and seconded by Robert Stabler for approving the submittal of Outstanding District, Education, 2016 Cooperator of the Year: Lauren Greenberger, Outstanding Contribution: IZAAK Walton-BCC and the Newsletter Awards to MASCD. The motion carried and was approved by all attending supervisors. All Supervisors attending the Board meeting signed off on the Outstanding District Award application.

MASCD-NRCS Agreement Amendment-We have received an amended agreement for Montgomery Soil Conservation District that provides the details on the amount of financial assistance that will be available to the District. The District will be reimbursed for any technical/administrative assistance utilizing nonfederal District employees regarding the implementation of agricultural conservation practices supporting NRCS Programs (CTA, EQIP, and CRP). This amended agreement now includes the allocation of funds for CRP. This amended agreement will carry forward until the end of the Federal Fiscal Year (September 30, 2017). Total funds that the District would be eligible to reimburse for is

Funding Category	Allocation
Conservation Technical Assistance (CTA)	\$1,875
Environmental Quality Incentives Program (EQIP)	\$1,875
Conservation Reserve Program (CRP)	<u>\$2,556</u>
	\$6,306

We have been asked to transmit the amended agreement to MASCD by April 15th. This date also corresponds to the 2nd quarter reporting requirement under the current agreement for forms D and E. We have completed these forms and they are ready for submission to MASCD today.

Zawitoski informed the Board that he has reviewed the amended agreement and it is consistent with prior agreements and subsequent amendments. Based upon his review and findings, John recommends that the Supervisors support the Chairman executing this amended agreement. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving the chairman to sign off on the MASCD-NRCS Agreement Amendment.

2017 Cooperators Dinner location – Zawitoski had a conversation with David Plummer on preliminary discussions concerning the location for the 2017 Cooperators Dinner to be hosted at Waredaca. Since last year's Cooperator Dinner was held on the west end of the county, it was John's understanding that this year's dinner was to be held on the east side of the County. Robert Butts indicated that this was discussed and Waredaca had reserved the 1st Thursday of the September for hosting the 2017 MSCD Cooperators Dinner. Robert Butz thought the location was a good site as Waredaca has installed several BMP's and the new brewery would be a nice added attraction. Karen noted that the 1st Thursday of September usually conflicts with the Damascus Community Fair, but she would check on the dates of the fair to make sure there were no conflicts with the dinner.

Jeremy inquired as to whether or not there was sufficient space and what potential area could be used to support a tented event? Robert Butts indicated that they have had past events at the farm and there is a suitable location in the pasture to erect a tent to accommodate a larger crowd. All agreed that Waredaca should be the location for this year's cooperator dinner and Karen will confirm the date for the Damascus Community Fair to avoid conflicting events.

Draft letter to DPS regarding Fill Permit – Zawitoski began the discussion where the District is increasingly embroiled in cases where the deposition of fill from development projects is occurring on farms. The landowners have not secured legally required fill permits nor have they sought the technical assistance of the District.

The District entertains requests from landowners for providing technical assistance concerning projects involving the use of fill materials for repairing installed conservation practices or for new agronomic practices. All too often these requests for assistance comes once the landowner has been visited by Department of Permitting Services (DPS) and has been advised of a violation. We know that these contractors/haulers are paying farmers to accept fill to avoid the cost associated with obtaining the proper plans and permits that are required for fill sites.

This problem is continuing to grow, and there must be a better way for DPS to enforce fill that is landing on farms. DPS needs to modify their procedures concerning the permitting requirements concerning fill. John informed the Board that both the origination site and destination site require a permit. He is encouraging the District to take a more active role to get DPS to develop a more comprehensive approach concerning fill leaving a permitted site to avoid fill deposition on farm properties. He is suggesting that before a permit is issued for the fill origination site, that a contractor/hauler must first receive an approved permit for the destination site. This was a lengthy discussion and Jeremy suggested that the District may want to invite Rick Brush to a Board Meeting for further discussion on this matter. A draft letter to DPS was in the handout packet. Robert Butz requested that the draft letter be emailed to him and the other Supervisors

for comments. Once all comments have been received and compiled, John will forward the finalized letter for the Supervisor final review for the letter will be mailed to DPS. This led to the discussion concerning fill on the Mendelson Terrence farm property. It was noted that the cooperater brought fill materials to the farm without obtaining any county permits or under the technical supervision of the District. The Cooperator was visited by County inspectors and they told to the inspector that they were working with the district which was not the case. John presented pictures of Mendelson Terrence to show the extent of the fill project area. John presented the recommendations from staff that while the fill that was used for some old trench silos it could be approved as an agronomic practice, the other areas the fill was being deposited could not. Therefore, the recommendation by staff would be that the technical assistance offered by the District would be limited to the permanent stabilization of the fill area and that under no circumstance should any additional fill be brought to the farm. It was noted that some additional grading might be necessary as well as the addition of top soil to provide a growing medium for seeded areas. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving MSCD to provide technical assistance for Mendelson Terrence to include permanent stabilization of fill area, prohibit any additional fill on the property, utilize top soil where necessary to provide adequate seeding and grading the fill area as required by staff.

MDA Personnel Directory - Karen has received a request to update the MDA directory. She has been asked to return the updated information for MSCD by April 24th. She is asking the Board to review this information for accuracy. Robert Butz and Robert Stabler shared that their information is correct. Wade's no longer has a home phone and he requested to list his cell number. It was suggested to list Robert Butts as a Supervisor but since the appointment process will not be completed before the Personnel Directory publication, Robert Butts will still be listed as an Associate Supervisor. John will be listed in the directory in an Acting District Manager and the vacant MCFB supervisor shown as vacant until the new appointment is confirmed.

Updated MACS and Cover Crop Signature Authorities- MSCD has received notices from MDA – MACS concerning updating the signature authorities for both MACs and Cover Crop Program. Karen has prepared the documents that require Board signatures. John will be working with MDA to take training on the District Manager's role in reviewing and approving Cover Crop applications. This training is forthcoming. A motion was made by Wade Butler and seconded by Robert Stabler and passed approving updating MACS signature authorities and included MACS-Cover Crop.

Board meetings - May 12th and June 9th - John has a conflict for both the scheduled May and June Board Meeting dates. John's son graduates from Saint Vincent College in Latrobe PA on May 12th which is the scheduled May meeting date. The June 9th date scheduled meeting date conflict with a family vacation he has scheduled where he will be out of state. In anticipation of the change in dates, Karen has scheduled the small conference room for May 19th and June 16th for the Board of Supervisors Meeting. The Board of Supervisors are flexible with the with changing the meeting dates; however, the chair, Robert Butz, will not be available on June 16th therefore the June meeting will be held on Friday, June 23rd.

Retaining Services of Forester for certain MSCD workload items-With the departure of David Plummer, there have been several workload items that David performed because of his background as a licensed professional forester. There are certain District signoff requirements for forest harvests and small land clearing permits. David has been inspecting these sites and attesting certain forest BMPS for consideration. In addition, the Envirothon program also has a

forestry component that David was instrumental in providing training and testing assistance to the students. We have tried to work with DNR forestry staff, but they are not reliable enough to provide the time commitment necessary.

John believes that the Board should consider retaining the services of a professional forester on an as needed basis under a service contract. We would only request service when there was a need. We may need to establish a list of several service providers so that our registered forester reviewing projects is not the same registered forester submitting projects to the SCD for review. Zawitoski indicated that he would research going hourly rates for services of this type and provide information to the Board as to potential costs. The Board felt that this was an initiative that should be explored. John will do the legwork on investigating the costs for retaining the services of a licensed forester.

After presenting the items under new business it was noted that Farm Service Agency (FSA) does not participate in the Monthly Board of Supervisors Meetings. It was noted that FSA can bring value to the meeting and MSCD may want to reach out to the FSA Board. If FSA rep cannot attend the meeting, it would be a good if FSA sends a report. Zawitoski indicated that he would reach out to FSA to see if at a minimum they could provide a report of FSA updates for the Board meeting.

OLD BUSINESS

Update: Secretary Bartenfelder letter- MACS- The District submitted a letter to Secretary Bartenfelder concerning funding of the MACS program for FY17. The letter indicated that the MSCD was assisting a cooperator with the installation of an agricultural waste storage structure and covered heavy use area for their beef operation. The cooperator has an Environmental Quality Incentive Program (EQIP) contract with the Natural Resource Conservation Service (NRCS) for these two BMPs. EQIP like MACS, will reimburse the cooperator a percentage of the actual cost of installation. Because the percentage covered is much lower than the cap allowed by MACS, the cooperator has sought additional cost assistance from the Maryland Department of Agriculture (MDA) program. The approved EQIP contract stipulates that construction of at least one practice must be initiated within one year of contract approval. The cooperator had no choice but to begin construction this winter. Prior to breaking ground, our cooperator applied for MACS assistance for these BMPs. At the time of the letter, their application was sitting in limbo at the MACS office. The District requested the assistance of the Secretary to consider the potential impacts of farmers who made the good faith effort to apply to the MACs program for funding but were required under the Federal EQIP program to begin the implementation of BMPs without prior approval by MACS. We indicated that there were unusual circumstances surrounding the FY17 MACs funding and this warranted special program policy considerations to allow for reimbursement for farmers that were required to begin construction prior to MACS application approval.

Zawitoski informed the Board that he had several conversations with Norm Astle, Director of the MACS program and he seem genuinely interested in finding a resolution to this issue. On April 4th, Norm contacted the District office and informed staff that Mrs. Leak's cost share application has been approved. She will soon receive an agreement package in the mail. Funding will not be available for a claim for payment until July 1st. Once Mrs. Leak receives her MACS cost share payment, Zawitoski recommends that the District consider sending Secretary Bartenfelder

a thank you letter and recognize the MACS staff for their help in moving this forward. The Board concurred with this recommendation.

MACS Status Reviews- During the MACS Technical Advisory Meeting on April 4th, the MACS program distributed status report on the progress that all the Districts have made in meeting their 2016 Status Reviews reporting requirements. The deadline for completing these Status reviews was March 31, 2017. As of this date, the Montgomery Soil Conservation District had completed 92% of the project Status Reviews. We have one outstanding Status Review to complete. On March 20, 2017, we requested an extension until May 5, 2017 to complete the Status Review for the Riparian Buffer Harrison Island requires. We need access to a boat to get to Harrison Island. The landowner is in Florida until the end of April and the landowner graciously provides the District access by boat. Mark Anderson of the MACS program approved our request for an extension.

Thank you letter from Mike Weyand concerning MSCD Tuition Assistance-Mike wanted to extend his appreciation to the Board of Supervisors for providing him with Tuition Assistance. A thank you letter from Mike Weyand was included in the handout packet. John shared that Mike is a valued team member and knows this assistance was greatly appreciated.

CHAIR REPORT

Robert Butz shared information from the Montgomery County Winery project and noted that they have received 1 million dollars from the County's Revenue Authority for this project. Jeremy provided more details on the project funding and about his involvement in the discussions of custom crush pad to make wine. It was noted that this will be an interesting project although there are still many details that need to be worked out. Overall, the discussion was very positive outlining that the project's goals are good and are a good example of the farm to table approach.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 11:25 and the next scheduled meeting will be held on May 19th at the Ag History Farm Park.

Respectfully submitted,

Karen Walker, Secretary

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

*Associate Members