MONTGOMERY SOIL CONSERVATION DISTRICT BOARD OF SUPERVISORS MEETING April 9, 2021



Due to 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 Butts, Chair
Robert Butts, Vice Chair
Tim McGrath, Treasurer
Linda Lewis, Supervisor
Tom Linthicum, Associate Supervisor
Joe Lehman, Associate Supervisor
Chris Miller, Associate Supervisor
Jeremy Criss, Director OAG
Mike Scheffel, OAG
Adam Lyon, MDA
Charlotte Brewster, District Conservationist (NRCS)
John Zawitoski, District Manager (MSCD)
James Harne, Conservation Planner (MSCD)
Karen Walker, Office Service Coordinator (MSCD)

Chairman Robert Butz called the meeting to order at 9:02 am and reminded the Board of Supervisors the Executive Session for approving Conservation Plans would begin immediately following the open meeting. The Chairman asked Adam Lyons to present the report for MDA.

Agency Reports:

Maryland Department of Agriculture: Adam Lyon, Patuxent Regional Coordinator for MDA provided information regarding the MDA update. Adam was sorry to hear the Board Chair had contracted the virus and noted the COVID-19 positivity rate has increased since the last meeting. Adam explained that MDA employees are starting to receive the vaccine and he noted that many of the employees in the Patuxent region have been vaccinated. He believed the vaccinations were staggered whereby the more senior employees were vaccinated first. Younger employees are now receiving emails to get their vaccinations scheduled. The state is operating a vaccination clinic at the MIEMSS building on Pratt Street in Baltimore. Adam noted that hopefully as the vaccinations increase and there is a downturn in the positivity rate the protocol for office entry can be reevaluated. Adam is working closely with John on a plan whereby employees can visit the office on a rotating alternate schedule, as well as developing a plan for hybrid office/teleworking for employees. Adam explained that the open recruitment has been completed for new positions and MDA Human Resources is reaching out to selected candidates. Three planners have been selected for MSCD and Adam is awaiting notification from HR if they have accepted the offer. Having three new employees will be a good problem to have and Adam will work with John on how best to coordinate space needs. He is hopeful that they all will accept the job offer and start soon. The earliest potential start date would be April 21st and employees must accept employment before May 1st in order to receive the \$1,000 hiring bonus that the Governor offered. Adam shared that the WIP Team is in the process of hiring 3 new verifiers state-wide, which will increase their BMP Verification team to 9 persons.

Adam then reviewed with the Board changes within the MACs program office. Jason Keppler continues to serve as the interim Program Manager while the search is underway for permanent leadership. Adam noted that Jason only intends to be the interim program manager and will be returning to his position in coordinating the agricultural WIP. Jason has met with the MACS staff and they are working diligently to wrap up any lingering issues on MACS applications and claims. If MSCD has any issues that need to be resolved let him know. Jason has a good line of communication with the Area Coordinators and he has cleared up staff roles and they are trying to cut down on the turnaround time to 2-weeks or less to avoid any lingering issues.

On March 8th, Assistant Secretary Hans Schmidt sent out a memo outlining the adoption of new filter practices that are now eligible for cost-share. The new practices now eligible for funding and technical assistance include: Windbreaks – Rows of trees and shrubs planted to filter runoff, reduce soil erosion caused by wind, enhance wildlife habitat, improve air quality, and sequester carbon in the soil. Hedgerows – Small trees, shrubs, and grasses planted along the edges of farm fields or along roads to filter runoff and act as a living fence and wildlife corridor; Silvopasture – Integrates trees into active livestock pastures to filter runoff, provide shade and shelter for livestock, and sequester carbon; Tree and Shrub Establishment – Establishes trees and shrubs on agricultural land outside the stream corridor to improve water quality and sequester carbon; and Pasture Fencing – Allows farmers to develop rotational grazing systems that improve forage, distribute manure more evenly, protect the soil from erosion, and improve water quality.

Adam shared Jason has met with District Managers and provided an outline of the new changes and he noted that the MACS manual has been updated to include the new practices. The other big announcement is that the extended season for cover crop will not require in person verification. MDA is using the NDVI Remote Sensing Tool and the results are very promising. The remote sensing data and the ground-truthing match. MDA will know if a cover crop field has been burned down or not. The tool makes for a more efficient program and will free up time for J. to focus on conservation planning.

After Adam presented his report, Robert Butz inquired about the remote sensing tool and asked if this tool is successful would it be the standard for the cover crop program. Adam responded yes; the tool would be used for the program. The tool is efficient and makes practical sense. Robert agreed that using the tool makes sense, but he was wondering if there would be push back from some growers with the perception that the state of Maryland is surveilling their property. Adam said the concern is understood but noted that everything is done anonymously. We do have the location data built into the GIS portion of the tool and only get a notice if the tool notes that a field does not match the data collected from the operator. Adam is not versed in the legalities and deferred legal questions for Jason. Adam noted that the tool is being used for efficiency and will allow us to focus on those fields that may require ground-truthing. Each year the program has changes depending on the weather, funding, etc. We want to provide clarity in a timely manner to participants. After Adam addressed Robert's concerns for cover crop verification, Tim asked a question about Windbreaks. Tim noted that it is his understanding that windbreaks are used for conventional tillage and that most Montgomery County farmers are No-Till. Tim wanted to know if it is as necessary as it used to be since we are already covering the soil and it is not accessible to wind? Adam responded that the majority of the windbreaks are installed on the Eastern Shore on poultry operations and have historically received cost-share through NRCS programs. Adam mentioned that we are gearing the MACS program towards the WIP. All the practices would fall under the "land retirement" category in the WIP as an improvement to water quality. John mentioned that Jason shared in the meeting with the District Managers that MACS is evolving, and water quality is not the only issue to be addressed in the future. Some of the practices also provide a soil health benefit. There has been a shift in the program, and they are looking beyond water quality. Adam commented that the windbreaks provided a large per-unit reduction

credit. Moving forward Adam said carbon sequestration will be incorporated into the WIP and the new practices will also help address this goal.

Office of Agriculture: Jeremy Criss, Director of Montgomery County's Office of Agriculture provided his report. Jeremy explained that the Office of Agriculture FY22 Operating Budget documents and report were sent to the Supervisors prior to the meeting.

- Jeremy reported the County Executive has remitted a draft Bill to the County Council for Introduction entitled Environmental Sustainability Building Energy Use Benchmarking and Performance Standards Amendments to Chapter 18 Environmental Sustainability. The OAG staff met with DEP staff on April 8, 2021 to determine whether this bill will negatively impact agricultural buildings. The Office of Agriculture will recommend that existing and new agricultural buildings be added to Section 18A-38B Applicability and exempt from the bill https://montgomerycountymd.gov/green/Resources/Files/energy/building-energy-performance-standards.pdf. As part of this discussion, Robert Butz asked if buildings would need to meet new environmental standards? Jeremy confirmed structures exceeding 25,000 square feet would be subject to these environmental building standards. It was recognized by both Mike and Tim that many equine facilities could easily go beyond 25,000 sq ft threshold. Jeremy wanted the Board to know that the Bill is ready to be introduced, and he would keep them posted on the public hearing and he will make sure that Robert Butz is included.
- Jeremy reported the University of MD-Extension and Maryland Department of Agriculture conducted a two-day March 23-24, 2021 Good Agricultural Practices-GAP training and Certification for Montgomery County food producers and it was well attended with 23 farmers including some employees.
- Jeremy then covered Delegate Kumar Barve's proposed HB 1356 Blue Ribbon Land Use Solar Commission for studying solar installations on farmland in a cost-effective way. It was noted that Delegate Barve wrote a letter to the Washington Post criticizing the County Council for adopting the Solar ZTA 20-01 that protects Class I and II prime soils from solar installations. Delegate Barve's HB 1356 faced challenges in this year's legislative session and in the waning hours, added the language from HB 1356 to Senator Pinsky's Climate Solutions Now Act SB 414. The MCFB remitted a letter to the Montgomery County Delegation as attached.

https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1356 http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0414

Jeremy explained that there is a fear that the Delegate's efforts will likely derail the Climate Solutions bill. Jeremy noted that the Delegate's actions may negatively impact the Andrew Friedson's Bill 5-21 and HB991 that the OAG is working on.

• Lastly, Jeremy provided details on the upcoming Site Visit to Prince Georges County Composting Facility that is scheduled for April 19th. Jeremy noted the Composting ZTA 20-04 passed and there is an effort to raise the bar for on farm composting. The ZTA Councilmember Glass promoted allows for an increase up to 50% of offsite material to be added to the compost pile. This ZTA is a good step in the right direction. Jeremy is working with several organizations on this matter to promote composting workshops and trainings. Jeremy thanked John and Travis for their help with these groups.

Upcoming Meetings and Events: Montgomery County Farm Bureau Board of Directors- April 6, 2021 7:00 pm; Montgomery Soil Conservation District-April 9, 2021 9:00 am; COG Farm and Food Committee-April 9, 2021 11:00 am; Agricultural Preservation Advisory Board-April 13, 2021 7:00 pm, City of Gaithersburg virtual Ag Breakfast-Councilmember Laurie Anne Sayles-April 16, 2021 Site Visit to PG County Organic Processing Facility-April 19, 2021

SECRETARY/ TREASURER'S REPORT

The next item on the agenda was the approval of the Board Minutes and Chairman Butz noted that all have received the minutes and asked if there was any questions or additions to the February 12th Board Minutes. With no additions or corrections to the minutes, a motion was made by Robert Butts and then seconded by Tim McGrath and passed approving the February 12th Board minutes.

The Chairman then invited Karen to present the financial reports. Karen responded by presenting the financials for February and March and confirmed that the bank statements and checkbook have been reconciled for both months. She reported the District had just received a payment from the Chesapeake Bay Trust Funding, and this revenue will be reflected in the April report. As far as pending expenditures, the District has received two donation requests. The State Envirothon will be held virtually this year and there are some additional expenses with promoting a virtual competition. Karen explained to the Board, with the \$50,000 in donations from the Edward Byrd foundation, affords the District the opportunity to provide this additional support to the State Program. She recommends the Board support a donation of \$100.00 for the State event. The 2nd donation request came from MASCD to support the Endowment Fund in lieu of providing a donation to the annual meeting's auction item. She recommends a donation of \$200.00 to support the Endowment Fund as this is about what the District would expend on an auction item. There will be no auction following the annual meeting banquet this year. John concurred with Karen's recommendations and encouraged the Board to support the donation requests. The Chairman then requested one motion to address the filing of the financial reports and provide a \$100 donation to the Envirothon and a \$200 donation for the MASCD Endowment Fund. A motion was made by Robert Butts and then seconded by Tim McGrath and passed approving to file the financial reports for February and March and to provide \$100 Envirothon and \$200 MASCD Endowment donations.

District Activities Report and Program Updates

Charlotte Brewster, the District Conservationist, announced some program information updates. Charlotte noted today (April 9th) is the deadline for ranking and screening for the 1st round of EOIP. These applications are not related to our Local Workgroup Fund. Additionally, preapprovals for general EQIP applications are due on April 16, 2021 which includes the preapprovals we have received for the Local Workgroup projects. Charlotte will be working on getting contracts developed for the Local Workgroup approved, obligated, and submitted by May 14th. The deadline for regular EOIP will follow a June timeline. EQIP is also coming out with a new program entitled Conservation Incentive Contract (CIC). Charlotte noted that NRCS is good for establishing acronyms and EQIP stands for Environmental Quality Incentive Program. EQIP is one of NRCS's largest programs that provides financial assistance to producers to install conservation practices on their land. The EOIP CIC is a bridge between the traditional EOIP cost share and CSP Conservation Stewardship Program (CSP). CSP is a 5-year agreement for producers being a good steward of land and to try to do something new each year. Charlotte shared details on each program and noted the deadline for CSP was April 2nd. Charlotte said that there are no new applications for CSP, but 1-one application was received for renewal from a previous CSP participant. Charlotte noted that she has only been back in the office for a month and that she is trying to catch up on matters. She noted that she and the regional engineer Warren Johnson have met on several sites for EOIP projects. She mentioned she would be leaning heavily on John as she gets back into the swing of things.

Charlotte then reviewed with the Board; Requests for Assistance (RFA) received since the last Board meeting. The first RFA presented was for Cody Stambaugh. Charlotte indicated while Cody is a farmer from her area in Union Bridge, he also farms land in Montgomery County and is interested in waterways. John shared details and believes that Cody farms on David Weitzer land and needs assistance on a waterway in one of the fields. Charlotte indicated he is a traditional agriculture customer needing assistance and she recommends we work with him. The chair mentioned if there are no issues with any of the RFA, he would like all the RFAs

presented, and approval will be provided for the slate of RFAs. David Mamana was the next RFA presented and John shared that he owns a small nursery and he is a landscape architect. David wants to make sure he is managing his property in an environmentally sound manner and wants a conservation plan. Down the road, David may want some type of agriculture building but his request is basically for farm management. The third RFA is for Neil Agate. Neil is working with Travis and he is the President of the Maryland Horse Council. It's the first time that Neil submitted an RFA and Travis is happy to be working with a high-ranking equestrian official. The next RFA is for Kathy Lynn and she owns a small farming operation and has applied for EQIP for a High Tunnel. EQIP contracts require a conservation plan to participate in EQIP. Tim Hussman owns a small beef, sheep and pasture operations and wants a conservation plan and he is looking into grazing management. The last RFA is for Susan Boblitt and she is a small producer that is an equine enthusiast and needs some help with stream crossing and a high impact area on her farm to protect nontidal wetland. She is interested in protecting these sensitive areas. The chairman was grateful that all the RFAs were presented and while the Board doesn't formally approve each RFA, doesn't see any issues with the District providing assistance to these new cooperators.

Charlotte then presented the District Activities Report. She mentioned the Activities Report shows all the RFAs and a lot of work the District has been involved with. Charlotte shared that 2 SWM ponds have been approved: Snowden Mill and Mt. Vernon SWM and there will be 4 conservation plans for approval during the Executive Session. She noted there will be numerous conservation plans for approval next month as conservation plans are a requirement for EQIP contracts and the deadline for plans associated with EQIP is fast approaching. Charlotte noted that once the EQIP contracts are signed Brandy's conservation plans numbers will increase. Because of the good weather projects are moving forward. Laytonville Landscaping has an Ag Chem building under construction. There are some waterways under construction that is funded through EQIP. Charlotte went on a site visit for feasibility for Lori Larson and Laura Whitmore Brown and both operators have submitted EQIP applications for equine practices that are going to be ranked today. Without going through everything on the District report, she noted it is a busy time for the District. With contracting and the good weather, projects are under construction and the staff is busy. Charlotte noted the backlog is being addressed especially on the technical side and noted that projects are being prioritized. Charlotte mentioned that Chris the RCD Tech has stepped up and done well. Chris had a few of his designs approved and the District is lucky that Chris is on Board. Charlotte is looking forward to getting more staff on board and she wants to keep prioritizing projects to keep the projects on scheduled. John shared information on Michael Longshore that was listed on the report. John noted that this ag structure project will disturb more than 5K square feet and under state law storm water management required. This is the first project working in partnership with DPS and it took less than one week for DPS to approve the SWM practices. DPS will reviewed the plan and did not charge the operator the \$3K fee for SWM. Working with DPS is a good success story and this is the interim process until NRCS gets all the Districts trained on standard 571, which would provide approval authority for SWM.

Tim asked Charlotte about EQIP cost share and while he understands the landowner or producer must put the funding out first and he wanted to know the turnaround time for reimbursement. Charlotte addressed Tim's question and spoke on behalf of EQIP and all federal programs. Once a contract is signed and is under contract, the operator must receive an approved designed before work can begin. After all practices are installed the technician must verify the practices meet the NRCS standards and specifications. Once everything has been verified payments are direct deposited in 7-10 business days and it is usually less than 10 days. Charlotte noted that MACS generally takes about a month and the District cost share program (WQPC Incentive) does not have a long turnaround time. John shared the MACS is working on rededicating the program to work better with the customer and noted that Tim is correct about farmers needing to pay out of pocket to get reimbursed by the programs. Adam shared that Jason is restructuring the office to have a 2-week maximum turnaround for reimbursement. Charlotte mentioned that under federal program there is an exception for advance payment for certain producers. Certain producers can receive up to 50% cost share for conservation practices.

New Business:

Request for Reconsideration of District Technical Assistance for Dennis Durham. A timeline of events surrounding this technical assistance issue was prepared and sent to the Supervisors before the Board Meeting. J. Harne, the planner that first evaluated this issue, was available to address any questions from the Board. Mr. Durham imported fill to his property for the purpose of land leveling and reclamation. His intent was to create more useable land space. Land leveling and reclamation are not approved practices under the District's Fill Policy. Under State Law, disturbances of 5,000 square feet/100 Cubic Yards of earth material requires Erosion and Sediment Control. John explained to the Board there is a difference between having an agricultural purpose vs an agricultural or conservation practice the District can provide assistance. While Mr. Durham's project may ultimately have an agricultural purpose, it cannot be qualified under the District's fill policy as an agricultural or conservation practice. Therefore, compliance with E and S must be accomplished through the County permitting office. John wanted to be clear however, that the District isn't saying Mr. Durham's project doesn't have an agricultural purpose, it's just that the District is not the appropriate vehicle to accomplish the intended use. John explained, if the Board agreed with the Staff determination, Mr. Durham would need to work with County DPS for compliance. John noted DPS has already cited Mr. Durham with a violation but DPS has delayed enforcement pending the outcome of the MSCD reconsideration.

The Chair shared his input on the matter and noted the District rarely denies an RFA. He explained this situation is a major fill operation, and it involves a lot of loads of fill. The District began evaluating the use of fill materials on farmland over 10 years ago and it was felt that if the project could not be classified as either an agriculture or conservation practice that this District would not provide assistance through the District Fill Policy. There was a lengthy discussion on this matter, and J. provided more details and noted that Mr. Durham has put up a barn, imported fill materials, disturbed more than 5,000 square foot/100 cubic yards and did not request the help of the District for that project. He only is asking for our help now because he was caught violating the Erosion and Sediment Control Law. His barn project also would have been required to comply with Stormwater Management. A motion was made by Robert Butts and then seconded by Tim McGrath and passed approving to uphold the original decision and deny the reconsideration to provide technical assistance to Dennis Durham.

Update on Supervisor Appointments- The packets for both the Extension appointment and the at large reappointment has been submitted to MDA. The SSCC is scheduled to meet on April 15th and we should expect to hear soon the status of the appointments. The hope is that by May the Board of Supervisors should be full strength.

Summary MASCD Board of Director's Meeting

Envirothon Update: Total of 48 teams have registered for State Virtual Envirothon Program. No Teams from the Eastern Shore will participate. We have 2 Teams from Montgomery County participating. Format of the competition will occur over a 4-day period, beginning on Monday April 26th. One-1 test per day that teams can take at any time during the day. The tests are timed. Test will begin with Soils, followed by Forestry, Wildlife and Aquatics. No 5th issue for the competition this year. A virtual award ceremony is being planned for May 6th. State Envirothon committee are looking for donations to help cover the additional costs associated with holding a virtual competition.

Legislative Update: Providence Strategies: John provided the Supervisors a summary on a large list of legislative bills but focused on Senate Bill 344 Agriculture Cost-Share Program. This bill passed unanimously in the Senate and it was 127 to 4 in the house. This bill increased cost share assistance from 87.5% to 100%.

John believes that MDA will determine which practices would receive 100% cost share and Adam confirmed there will be an internal discussion Jason on this matter and Jason will more than likely reach out to District for their input. Adam concurred that more than likely the 100% cost share would be applied to practices that help meet the WIP goals. John noted MDA should consider the 100% cost share on rented land. Adam noted the suggestion of having cost share on rented land is good feedback. **Senate Bill 616** is another legislation that John found interesting. This Bill enables Baltimore City to establish a Soil Conservation District.

American Rescue Plan – John noted that there is going to be a meeting on April 14th and John plans on attending the meeting. This effort is out of the Biden administration to help local government get up and running as a result of COVID-19. Overall, Maryland would receive an estimated \$6.355 billion under the these funds and the County will be a recipient of funding. John noted that Montgomery County may have earmarked the funds but there maybe an opportunity for the Districts to have access to this pool of money for local projects.

NRCS – Charlotte shared information under her report and John noted that NRCS has the direct hiring authority to fill 22 field position however, MSCD is not scheduled to receive a new position at this time. John noted that MSCD needs technical positions filled. John noted that MDA will be providing an abundance of planners to the District and hopes MDA may consider providing an additional full-time technician.

MASCD Update- Both Coloring Contest and Poster Contest information Packets have gone out to Districts wanting to Participate. Summer MASCD Meeting: 2021-The BOD voted as a preference to hold an in-person Summer meeting in Cambridge. The date for the meeting will be August 1, 2, and 3. Cost associated with holding a Hybrid meeting was the deciding factor for holding an in-person meeting. Obviously, attendance will be up to each district to decide if they feel safe attending an in-person meeting and status of vaccinations. Participation by partner agencies may also be impacted.

NACD Regional Meeting 2022: will be held in Maryland. Discussion include holding it following the Summer MASCD 2022 meeting. It was suggested some District's send representatives to NACD Northeast Regional later this summer to see how this meeting is conducted for planning purposes. John noted all Districts will be involved for the 2022 NACD Regional Meeting and it will be a workload issue.

MACS Leadership change/New Filter Practices-Again it was noted Jason Keppler is the MACS Acting Program managers and descriptions of the new filter practices was provided. The funding for these practices will not be the MACS rate but the EQIP funding rate. The EQIP funding seems to be more generous or flexible.

NRCS/MASCD Cooperator Agreement. John provided some background history on this matter and noted it requires a board action. The agreement allows the District to be reimbursed for employees working on federal projects that is not done by federal employees. Currently, CREP is the only program for this agreement and the workload in Montgomery is so low that Brandy provides all the service and MSCD is not able to earn any funding. It was suggested by Jen Nelson that MSCD sign the agreement in case the program requirements change then MSCD would be eligible to receive reimbursement. John noted it does not require the District to do anything other than signatory and be a partner if something were to change. John recommended the board execute the agreement and return it to MASCD so it can be finalized with NRCS. A motion was made by Robert Butts and then seconded by Tim McGrath and passed approving the District to execute and sign the NRCS/MASCD Cooperator Agreement.

MASCD Awards- Because this item requires Board Action, John addressed this item next. Every year MSCD makes award submittals for MASCD Summer Meeting. The deadline for the submittal is May 7th and the next Board Meeting is May 14th. MSCD usually applies for the MAFC District Award, (that MSCD won for 2019) Education Award, Newsletter Award, and Cooperator of the Year Award. John would like to have Board

approval to make submittals for 5 MASCD Awards: A motion was made by Robert Butts and then seconded by Tim McGrath and passed approving MSCD to make submittals for the following awards: Attendance Award, MAFC District Award, Education Award, Newsletter Award and Cooperator of the Year Award.

New Business Information Report- Included in the Supervisor's packet, is the District Manager's new and old business information report. John explained, as a matter of practice, if there were no questions on the report, he would like the Board to approve the report and have the items incorporated into the Board Minutes. The report noted the MDA Personnel Directory is due April 26th and John shared details on the Annual Report that will be posted on the MSCD website as well as in the upcoming June Newsletter. The annual report is about 98% done. John noted the MSCD met the deadline for the Patuxent TAC 2020 Annual Report and WSSC hopes to finalize this report sometime after April 5th.

The report included details on the MDA Cover Crop Program Overview and details for the 2021/2022 Program. Jeremy Criss addressed On-Farm Composting Workshop Series under his report. The information report listed the details on the New MARBIDCO "RELIEF Act" Grant Programs. Under Old Business on the Information Report, there was a summary of the presentation that was presented by DEP in the March Meeting. DEP is proposing new legislation that will require septic tank owners to pump out their septic tanks at least once every five years and they are proposing a rebate to help cover part of the cost of the pump out. On-Demand Nutrient Management Webinars was the last item on the report.

Chairman Correspondence: There was no correspondence to report for the April meeting.

ADJOURNMENT AND NEXT MEETING

The meeting officially adjourned at 10:20 and the next scheduled Board of Supervisors Meeting is May 14, 2021. The Executive Session would follow the closing of the Open Meeting.

Respectfully submitted,

Karen Walker, Administrative Assistant

MEETINGS ATTENDED	PERCENTAGE
Butz	92%
Butts	92%
McGrath	100%
Linda Lewis	100%
*Linthicum	75%
*Joe Lehman	50%
*Chris Miller	58%
*Associate Members	