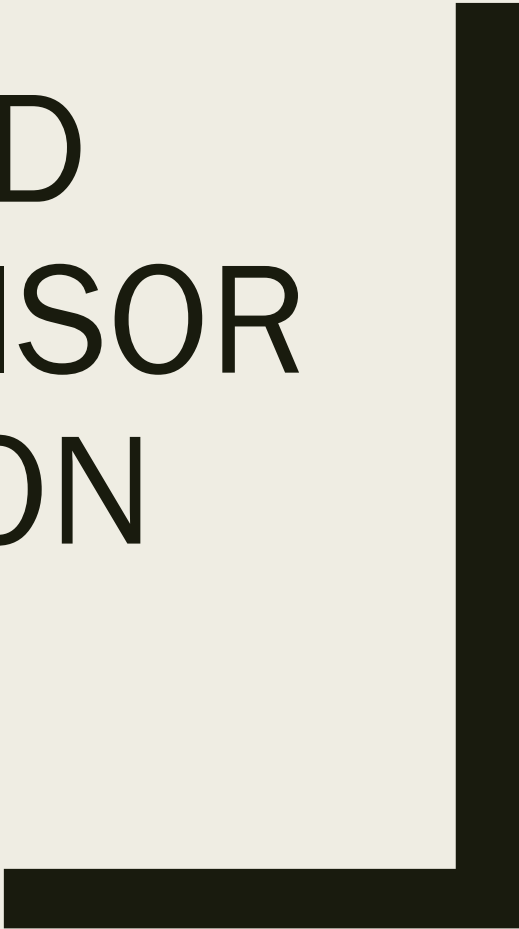




MARYLAND
SCD SUPERVISOR
ORIENTATION

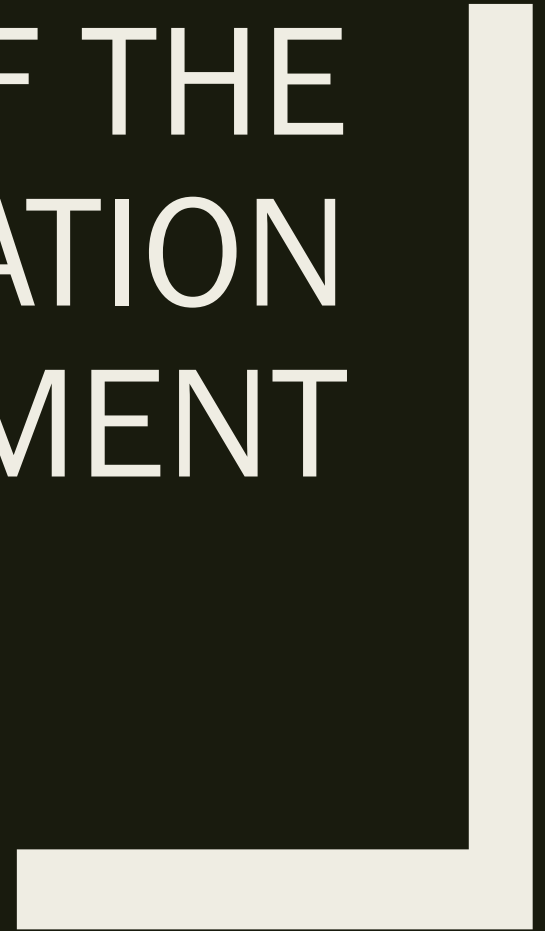
2022



Content

1. History of the Conservation Movement
2. What is an SCD? National and state perspective
3. Maryland's conservation partnership
4. Supervisor roles and responsibilities
5. Ethics
6. Understanding Local, State and Federal laws that pertain to SCDs
7. Other Considerations

HISTORY OF THE CONSERVATION MOVEMENT



Origins of the Soil Conservation Districts





“Take care of the
land, and the land
will take care of
you.”

Hugh Hammond Bennett

- Soil surveyor
- Co-wrote *Soil Erosion: A National Menace*, a USDA publication in 1928
- First Director of the Soil Erosion Service created in 1933
- Advocate and influencer for soil conservation → Soil Conservation Act of 1935.... **“To provide for the protection of land resources against soil erosion, and for other purposes”**

Establishment Date of Maryland's 24 SCDs

ALLEGANY	09/24/41
ANNE ARUNDEL	02/21/46
BALTIMORE COUNTY	09/06/44
CALVERT	06/10/48
CAROLINE	11/29/41
CARROLL	02/03/44
CATOCTIN	05/26/39
CECIL	06/26/45
CHARLES	03/04/41
DORCHESTER	03/27/42
FREDERICK	09/06/44
GARRETT	09/21/43
HARFORD	09/06/44
HOWARD	05/10/45
KENT	05/11/38
MONTGOMERY	08/07/45
PRINCE GEORGE'S	04/07/41
QUEEN ANNE'S	12/19/41
ST. MARY'S	01/05/42
SOMERSET	04/18/46
TALBOT	04/30/58
WASHINGTON COUNTY	01/22/40
WICOMICO	05/22/42
WORCESTER	06/23/42

Maryland origins and authority

Legal authority
defined in
Agriculture Article,
Title 8. Soil
Conservation, § 8-
101 through 8-501
of the Annotated
Code of Maryland,
as amended

(b) *The Consequences.* - The consequences of soil erosion in the form of soil blowing and soil washing are: the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown on the soil, and declining acre yields despite development of scientific processes for increasing them; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, destroys water plants, and diminishes the food supply of fish; diminution of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall runoff, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming, and grazing.

(c) *The appropriate corrective method.* - To conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil conserving land-use practices be adopted and carried out. Among the procedures necessary for widespread adoption are the carrying on of engineering operations such as the construction of terraces, terrace outlets, checkdams, dikes, ponds, ditches, and similar structures; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands with water conserving and erosion preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas, and areas badly gullied or otherwise eroded.

(d) *Declaration of Policy.* - It is the policy of the General Assembly to provide for the conservation of the soil, water and related resources of the State and for the control and prevention of soil erosion in order to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect the public lands, protect and promote the health, safety, and general welfare of the people of the State, and otherwise enhance their living environment.

(e) *Activities to be pursued irrespective of effect on economic competition.* - It has been and shall continue to be the policy of this State that the activities related to soil conservation which are authorized by this title shall be pursued irrespective of the fact that such activities may displace or limit economic competition.

WHAT IS A SOIL
CONSERVATION
DISTRICT?



Legal Authority

- Independent political subdivision of the State
- Exercise public powers – **extensive authority**
- SCDs are the link between the landowners and operators to conservation services
- SCDs are governed by a Board of 5 Supervisors
 - *Qualifications: District resident with an interest & background in conservation and protection of natural resources; may not hold another “Office of Profit”*
- **As an appointed official of the SCD, you have the responsibility to direct the conservation needs within your community**

Supervisor appointments

- SCD Boards are made of 5 appointed members:
 - *One nominated by local Farm Bureau chapter*
 - *One nominated by local UM Extension*
 - *Two at-large local residents*
 - *One county government appointee*
- All Board members, excluding the county governing body representative, are appointed by the State Soil Conservation Committee (Ag Article §8-302)
- 5 year term; no term limits
- Oath of office and recognition “Office of Profit”
- Attendance at least 50% of meetings over a 12-month period
- Associate Supervisors

Board Roles

- Chair
 - *Leader*
 - *Meeting facilitator*
 - *Regular liaison with DM and DC*
- Vice chair
- Secretary to keep complete and accurate minutes
- Treasurer
- Recruitment and representation



Office of Profit

- “Public Office” is a position created by law which casts on an incumbent duties which are continuing in their nature and to exercise a portion of the sovereign power of government. It does NOT include employees of government agencies.
- “Profit” relates to remuneration such as fee, salary or compensation for services beyond reimbursement for expenses

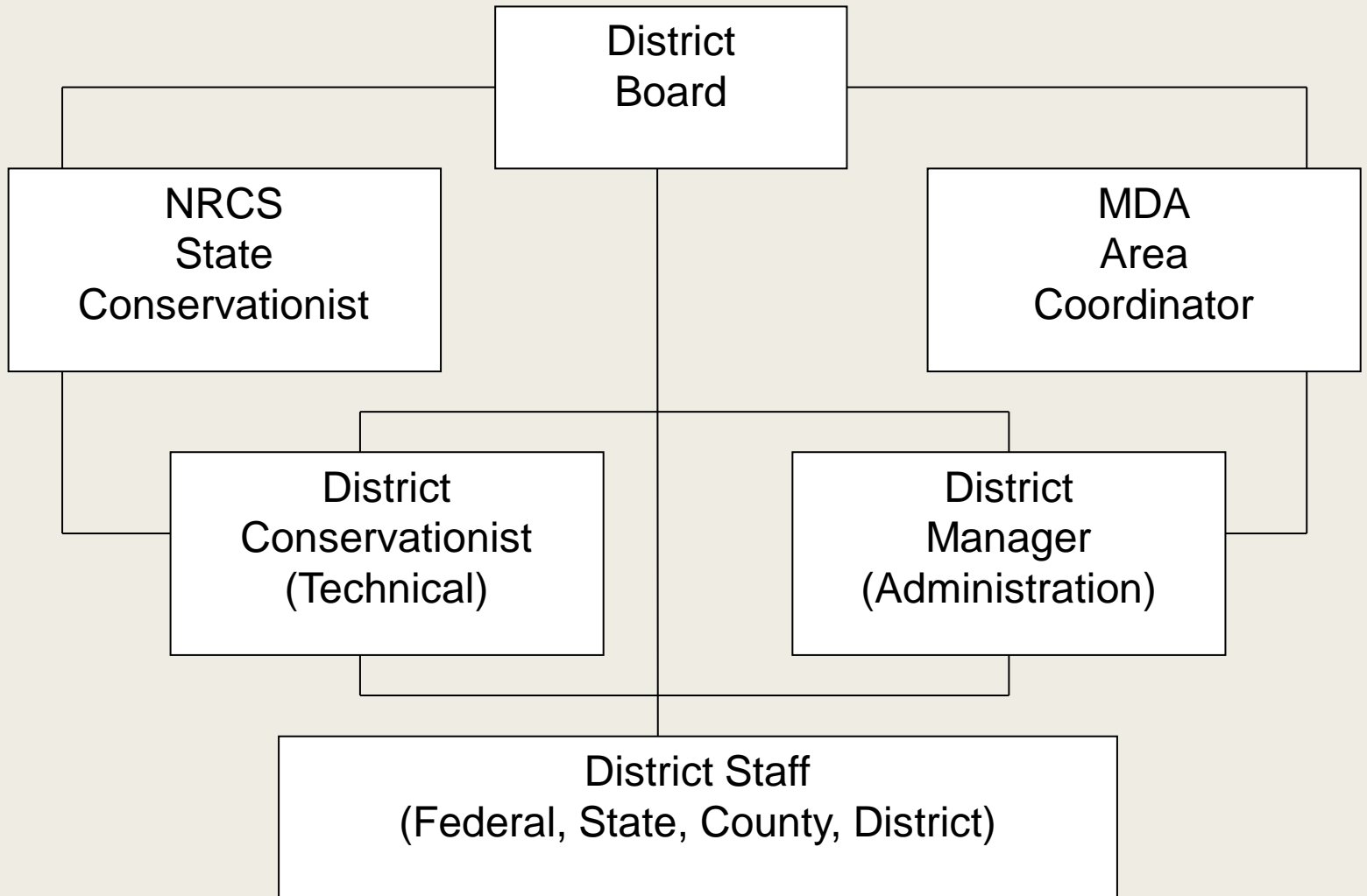
MARYLAND'S
CONSERVATION
PARTNERSHIP



SCD Field Offices

- Staff is usually a mixture of federal, state and local (“district”) employees, all working together toward one common goal.
- Often shared office space and perform their duties as a team.
- The team is usually made up of USDA’s Natural Resources Conservation Service, the Maryland Department of Agriculture, and district employees funded by the district or local and/or state government.
- Service Centers may also house Farm Service Agency (FSA), University of Maryland Extension (UME) and others
- **One stop resource**

Typical SCD structure



Locally Led Conservation: Federal

- **ENVIRONMENTAL QUALITY INCENTIVE PROGRAM (EQIP)** is administered by NRCS and delivered through soil conservation districts. Funds are also available to address state-identified areas of concern in all parts of the state. The program provides financial assistance of up to 75 percent for the installation of BMPs, and contracts are from one to ten years in length. EQIP and MACS funds may be combined.
- **Conservation Stewardship Program (CSP)** helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. Participants earn CSP payments for conservation performance—the higher the performance, the higher the payment.
- **CONSERVATION RESERVE PROGRAM (CRP) AND CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)**, administered by FSA, are designed to set aside highly erodible land and other sensitive land by providing rental payments to a farmer for a period of ten to fifteen years. Conservation practices must be installed, and erosion must be addressed with BMPs. CREP financial assistance may be provided for practices such as riparian buffers, wetlands and conservation cover. The state also offers cost-share for installation of BMPs and easement purchases and up to \$1000/acre signing incentives under CREP.

Locally Led Conservation: State

- **MARYLAND AGRICULTURAL WATER QUALITY COST-SHARE (MACS) PROGRAM**, established by state law in 1984, helps farmers protect natural resources on their farms and comply with federal and state environmental regulations. MACS provides farmers with grants to cover up to 100 percent of the cost to install BMPs on their farms to control soil erosion, manage nutrients, and safeguard water quality. A maximum funding level of up to \$75,000 per project applies, excluding animal waste treatment systems. In many instances MACS and USDA funds may be combined to co-cost-share a project.
- **MANURE TRANSPORT PROGRAM** provides cost-share assistance of up to \$28 per ton to transport manure from animal operations with excess waste or documentation of phosphorus over-enrichment.
- **COVER CROP PROGRAM** provides an annual payment, plus potential incentives, to cover the labor, seed, and equipment costs for the planting of eligible fall cover crops.
- **NEW INITIATIVES** for *Cover Crops Plus*, Small Farm and Urban Agriculture, Conservation Buffer Initiative, and Healthy Soils

	MASCD	SSCC
Membership	The 120 district supervisors are members of the Association. Voting members of the Board of Directors are the chairs of each district or another designated district supervisor.	One member from each of the five regions, the Secretary's of MDA, MDE, DNR or their designee, Ag Commission, MASCD President, and University of Maryland (UM). Advisors are NRCS, FSA, UM Extension.
Major focus	To represent the soil conservation districts and to provide an arena for individuals with a desire to protect the soil to work together.	To serve as an advisory group to the Secretary of Agriculture on issues relating to resource conservation. SSCC has a key role in appointing and training district supervisors.
Legislation	MASCD represents the districts at the state and federal level. As a non-profit 501(c)3 organization, MASCD can lobby only to a limited extent. MASCD is non-partisan.	As part of a state agency the SSCC cannot lobby, but they can recommend to the Secretary desired action on legislation.
Missions	To promote practical and effective soil, water and related natural resources programs to all citizens through individual conservation districts on a voluntary basis through leadership, education, cooperation and local direction.	To provide leadership statewide, guide and direct the Maryland Department of Agriculture and coordinate among represented agencies and others in matters related to soil conservation and water quality policy and program development to ensure environmental goals are met with programs that are economically, technically and socially feasible.

SCD SUPERVISOR'S POWERS



Job Description

- As an appointed local official, you are charged with properly conducting the affairs of the local conservation district as set forth in state law
- Establish and implement programs to protect and conserve soil, water, prime and unique farmland, rangeland, woodland, wildlife, energy and other renewable resources on local, non-federal lands.
- Attend 12 regularly scheduled board meetings*, as well as committee, special meetings, and events
- **Identify local conservation needs that represent the diversity of agriculture in your community**

* SCD law requires supervisors to attend at least 50% of regular monthly meetings to retain position

Supervisor powers

Conduct surveys, investigations or research and disseminate that information

Example: Watershed studies
Soil surveys

Conduct demonstration projects

Example: Installation of BMPs and field tours

Carry out preventative and control measures in SCD on State owned land

Example: Prince George's SCD-SCWQP development DNR land
Dorchester SCD management of restoration Blackwater property
as subcontractor for DNR

Enter into agreements to furnish assistance to any government entity or private individual

Example: Cooperators agreements
Agreements with NRCS, USDA

Acquire, lease, purchase, exchange, gift, grant, sell or dispose of any real or personal property

Example: Caroline SCD real property transaction to develop Agricultural Center on new site

Maintain, administer, improve, receive and expend income from acquired properties

Example: Office building-Prince George's, Talbot, St. Mary's SCDs,

Make available to district land occupiers, machinery, fertilizer, seedlings, etc to conserve soil resources and prevent erosion according to terms prescribed by supervisors

Example: Equipment rental, many SCDs
Seedling sales, Allegany & Washington SCDs



Supervisor powers, cont'd

Take over or administer any soil conservation, erosion control or erosion prevention project

Example: Dam maintenance, Garrett SCD
FCA Mitigation, Washington SCD

Act as agent for U.S. or State in connection with acquisition, construction, operation, etc. of soil conservation and erosion control or prevention projects

Example: Contracts w/ Dept of Defense conservation improvements- Calvert, Charles, St Mary's SCDs

Accept gifts of money, services, materials etc from U.S. and State to carry out SCD objectives

Example: Interagency coordination for operational needs

Approve/disapprove sediment and erosion control plans

Example: All SCDs

Recommend fee system for conducting sediment and erosion control plan review

Example: All SCDs

Make and execute contracts, sue and be sued

Example: MOUs with MDA & USDA
Various Grant contracts

Provide contracting services, equipment, supplies to landowners

Example: Conservation Equipment rental- many SCDs

Construct, improve and maintain structures necessary for performance of subtitle objectives

Example: BMPs installation oversight

Develop & publish comprehensive plans for conserving soil resources and preventing erosion in district

Example: WIP III – Agricultural and resource protection components

Summary

- SCDs have wide authority with many responsibilities
 - Can sue and be sued
 - Subject to open meeting laws
 - Liability protection by state tort claims law
- **Informed, engaged Supervisors are critical to the executing the mission of the SCD**
 - Develop long-range and annual plans to prioritize workload and programs
 - Routinely assess progress and priorities
 - Adhere to ethical practices in conducting business
 - Be an example of conservation on own farm operation and/or an advocate for conservation and its benefits

SCD SUPERVISOR'S ROLES AND RESPONSIBILITIES



Board Roles (decided each year)

- Chair
 - *Leader*
 - *Meeting facilitator*
 - *Regular liaison with DM and DC*
- Vice chair
- Secretary to keep complete and accurate minutes
- Treasurer
- Recruitment and representation

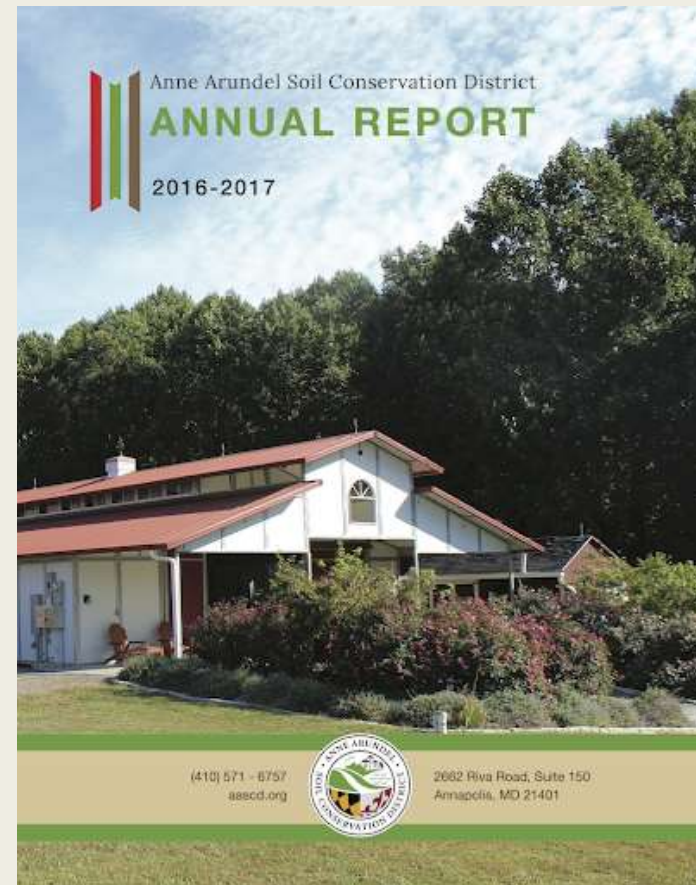


Board Responsibilities: Administrative

- Attend and participate in all Board meetings and functions
- Be engaged and cooperate with fellow members
- Review and approve conservation agreements
- Develop annual work plan and annual budget; evaluate progress
- Develop long-range plan; evaluate progress
- Be acquainted with Maryland laws related to soil conservation and water quality
- Hold annual election of SCD officers
- Establish sound business and fiduciary procedures

Board Responsibilities: Programmatic

- Assess resource and technical assistance needs
- Develop annual report of SCD activity and accomplishments
- Stay engaged in legislation (local and state) that informs conservation
- Raise, budget, and manage SCD funds
- Membership and engagement with NACD and MASCD
- Stay current with SSCC and other representatives
- Training opportunities



Board Responsibilities: Information and education

- Publicize SCD activity and programs
- Promote conservation and prospective programs to cooperators
- Be an example
- Connect with key community members and leaders, including youth



Board Responsibilities: Fiduciary

- All fund sources are considered public funds
- Ensure proper management and accounting of funds
- Only expenditures consistent with the mission of the SCDs



ETHICS



Ethics guidance – June 2003

policy

A supervisor holds a public office and although not required by the State Ethics Commission to file disclosure forms, is still required to act ethically and honestly in discharging his/her responsibilities

1. **A Supervisor must avoid using his/her office for personal gain**
 - *A supervisor shall not use his/her position to gain priority or additional benefits which are not available to others or in connection with private business ventures.*
 - *A supervisor will not use information obtained in the course of a supervisor's official duties for personal gain.*
 - *A supervisor shall not solicit a personal gift or accept a personal gift from a person or businesses that are under the jurisdiction of the district, that are negotiating or doing business with the district. This prohibition does not apply to meals, beverages, gifts less than \$50, or gifts solicited on behalf of the SCD or an activity sponsored by the SCD.*

2. **A supervisor shall ensure the highest standards of conduct and competence for all who administer or deliver service in district programs.**

Ethics guidance – June 2003 policy, continued

3. A supervisor shall avoid any conflict of interest and disclose promptly to the Board of Supervisors any financial or other matter that appears as a conflict of interest.

Disqualification

- A supervisor shall not participate in matters, the outcome of which would have a direct economic impact on the supervisor, his or her spouse, siblings, parents, or children.
- A supervisor shall not participate in matters concerning any business entity in which the supervisor is an officer, director, trustee, partner, employee, or a party to an existing contract.
- An exemption may be made if there is not a quorum, there is no other official who may act, or if the nature of the conflict is disclosed to the board and is minor.

Prohibited Employment, Financial Interest

- A supervisor shall not have outside employment or any financial interest that would impair the impartiality or independent judgment of the supervisor.
- A supervisor shall not have financial interest that may cause them to be perceived as benefitting in a manner distinguishable from the public generally because of the performance or non-performance of the supervisor's official duty.
- Exceptions include when the outside employment or interest would not affect the supervisor's official duties and is necessary in order to obtain uniquely qualified supervisors.
- This prohibition does not apply to employment held at the time of appointment that is disclosed to the board.

UNDERSTANDING
LOCAL, STATE AND
FEDERAL LAWS THAT
PERTAIN TO SCDS






A Farmer's Guide to Environmental Permits

Many state and federal permits necessary for activities on agricultural land.

SCD is often source of information and/or coordination



Includes permits and approvals needed by farmers, businesses and individuals.

Maryland State Soil Conservation Committee
June 2020

<https://mda.maryland.gov/Documents/farmpermitguide.pdf>

Freedom of Information compliance – state

- **Maryland Open Meetings Law** legislates the methods by which public meetings are conducted.
 - Advance public notice of meeting location, time, dates required such as delivery of information to news media, posting notice etc.
 - Requires minutes of meeting to be recorded & available to public
 - Governs process for & restricts closing of meetings from public
 - Trained SCD member
- The **Maryland Public Information Act** is a series of laws designed to guarantee that the public has access to the public records of governmental bodies in Maryland.

Freedom of Information compliance – federal

- **USDA Section 1619** prohibits USDA, its contractors, and cooperators, from disclosing information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself.
- Guidance included in recent signed agreements between the SCDs and NRCS
- **Forthcoming memo from SSCC** further outlining the **Section 1619** provisions and procedures.

Key Employment laws

- **Federal:** USDA's Non-Discrimination Statement- "In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs)."
- **State:** Title 20, State Government Article, Annotated Code of Maryland
 - Employees are protected against unlawful discrimination with regards to race, color, sex, age, national origin, religion, disability, marital status, sexual orientation, gender identity, genetic information, and harassment and retaliation
 - Latter is a series of recent training requirements, including Board Supervisors

Liability and Tort claims

- Protects SCD supervisors & employees of alleged tortious acts or omission if
 - Within scope of public duties
 - Made without malice or gross negligence
 - Stems from state law claims
- Attorney General has discretion to decide whether to provide legal representation to districts, their supervisors, and their employees, but does have “interest” in representing the SCDs
- See SSCC Advice letter, August 2019

OTHER CONSIDERATIONS



Board self-evaluations

- 2020 Leadership Assessment in four key areas (modeled on NACD tools)
 - *Organization and Governance*
 - *Work Planning*
 - *Program Delivery*
 - *Community Engagement*
- Max potential score = 104; Average score (22 SCDs) = 71
- Strengths: **Community Engagement**
- Needs: **Work Planning** and **Governance** categories

Board self-evaluations, continued....

- Subsequent training roster, topics and training underway
 - *Creation of MASCD website library*
<https://mascd.net/resources/for-districts/>
 - *Quarterly District Manager roundtables*
- “Building Better Boards” for recruitment and retention
- Succession Planning

Other areas of evaluation

- What problems will SCD face when members do not understand or fulfill their roles?
- Are members engaged in SCD activities?
- Do members express confusion about certain roles & responsibilities?
- Do you have a process for evaluating Board effectiveness?
- What are the opportunities or strategies for increasing understanding/acceptance of roles & responsibilities?
- Are there different strategies for “new” supervisors vs. experienced/long service supervisors?
- Are associate supervisors included in these strategies?

Questions?

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