

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
July 7, 2014

Held at the Garrett County Health Department, Room 107
1025 Memorial Drive, Oakland, MD, 21550

Members of the Steering Committee (SC) present were:

David Myerberg, Chair,
Pete Versteegen, vice chair,
Steve Green,
Bob Browning,
Bob Hoffmann,
Lulu Gonella, and
John Forman.

Staff to the SC participating were Catherine Shanks and Christine Conn of MD DNR, Deborah Carpenter of Garrett County and Mike Bilek of the Hughes Center for Agro-ecology, U. of M.

Welcome and introductory remarks

SC Chair David Myerberg called the tenth meeting of the SC to order shortly after 12:00. He noted that he, Bob Hoffmann and John Forman met earlier in the month with DNR Secretary Joe Gill, Deputy Secretary Frank Dawson, Assistant Secretary Mark Hoffmann and the new State Forester Don Van Hassant. The purpose of the meeting was to give Joe Gill an opportunity to hear from the Garrett County commissioners where they stand on the plan. All the commissioners are comfortable and 'on the same page' with the plan, as is Joe, Frank, and Mark. The work itself is getting accolades.

Today's job is to get the plan ready for the editor. Some of the comments received have been incorporated in the document. Pete has prepared several pages of suggestions, some of which (David) would include, some need discussion and some (David) would not include. David asked Pete to take a few minutes to discuss his ideas and for the SC to make the decision.

Pete Versteegen began by stating that there is lots of really good material in the plan. To help better organize it, he first suggests developing one document with three parts, Part A, Part B, and Part C. Part A is the most important, and is the Goals and Objectives. Part B, the Characterizations should be neutral in tone, no opinions from the Characterization writers, DNR and MDE. Some of the language, especially in the preambles have been shortened and softened. This is a Steering Committee document and should reflect the work of the SC. Several questions followed regarding the three sections, and Catherine Shanks reiterated:

- Part A is the Plan
- Part B is the Characterization Reports, and
- Part C is the compilation of work and materials of the subcommittees.

David asked Pete if he is asking for a re-write or a reorganization of what's been written? Pete explained some of the work that he's done (for the WQ subcommittee) has been deleted.

Catherine noted that Christine Conn did the editing, and the background information that Pete is referencing will appear in the appendix. Lulu Gonella suggested that if there's too much information it might not be read. Pete countered that if enough information isn't there, it won't be understood and therefore, (the report will) be ignored. Catherine stated that the SC did the work for DNR and the Garrett County Commissioners. Therefore, DNR has the ownership of the report and process.

David added that he has read the report three times. The message conveys, the overall structure is OK, and if people need a better explanation, they can go to the appendix. Catherine added that DNR's Joe Gill and Frank Dawson have both read it. She noted that on July 24th the plan goes public. If the public has problems, then we'll look at it again after the public comments. The remainder of the SC commented. Bob Browning said that the public review is a whole new separate review process. The layout is OK, and to try to make any changes at this point is a problem. If readers have questions, they can look at the appendix. Lulu agrees that if there are questions it'll be easy enough to go to the Appendix. Steve Green added that he's OK with the format, although he understands Pete's concerns, and we should vote on any changes. Bob Hoffmann commented next. He asked why the comments of the 'state' trump the subcommittee concerns? The constant feedback of DNR and MDE make it difficult to find the subcommittee's work. This is a concern. It is important that the work of the subcommittee, the recommendations, to be clear in those sections of the report, rather than an inundation of commentary from DNR and MDE. Catherine responded that DNR doesn't want a document to go out to the public when sister agencies disagree. What we need is for the report to get implemented, and 98% (of what the subcommittee submitted) is in there (the report). Bob Hoffmann responded that on the Lake Levels, it has been revised more times than any others and it is a contentious issue. But, the SC owes the constituency the best identification of the process that took place. Another example, the 'Rule Band' is now a 'target'. Since DNR has the 'power of the pen' Bob H, as a co-chair of the Lake Levels subcommittee, cannot get across what is important to remain in the Lake Levels subcommittee work.

David stated the over-riding issue is the myriad things to be done will get done. Whatever we write, can be re-written by the signers of the MOU (writer's note: DNR and Garrett County are the signers of the memorandum of understanding). We, the SC, do what we can do. This is a commencement. As for the Lake Levels, we'll get the independent study done, and then make sure DNR and MDE listen to the study. We won't get it by giving MDE/DNR a bad feeling before anything gets written. Process here is more important. Bob Browning agreed that it's more productive to move forward. Pete noted this is a baseline, and they (DNR/MDE) can take it or reject it'. This is our opinion, what we think. David added that the explanation of the baseline is Part C. It'll all be in there, the entire set of information. John Forman wrapped up the comments by adding that he thinks the substance of the report is pretty good, it reflects the work of the two-day meeting. He has no argument with the format. He agreed that DNR and MDE are pretty powerful, but concluded on a positive note that Joe Gill is listening.

David summed up the discussion. His sense is that the SC wants to go through the plan for comments, but will not change the format. Rather, put it out to the public and see from there. The interested public will know and respond. David then asked Catherine will the public see all three sections on July 25th, and Catherine responded "...as of this date, Section A, and hopefully Section B. Section C is not yet compiled". Someone noted that the (DNR) webpage should be mentioned, and perhaps in the front of the document, a short paragraph on how to read and use

this document would be a good idea. Lulu asked about publicity, and it was noted that a press release is being prepared for the State of the Watershed meeting to be held on July 24th. The meeting will take place at Garrett College. David asked ‘where are we’ with the August 9th public comment meeting and decided to postpone that discussion for later in this meeting.

The Plan Review

The SC began a page-by-page review of the document. Following are the highlights of the review noting the discussion and decisions to keep or change the document.

- Page 4 – the use of ‘restore’ discussion; since many funding entities provide funds to restore, it was decided to retain the use of the word.
- Page 4 – note that a decision at the Brookfield corporate level resulted in a withdrawal of participation from the process.
- 4 – delete Hershfeld from WQ subcommittee participation.
- 8 – note that the amount of impervious surface cover is unknown as of the date of this document.
- 10 – paragraph # 2, ‘signed a... MOU outlining the process to’: insert WRITE, delete ‘complete’.
- 11 – the ‘recreate’ discussion. Final wording for the vision statement changes the last seven words as follows: “...a special place to live, work and play.” **Motion to accept made by Lulu Gonella, second by Pete, unanimous approval.**
- 11 – under Lake Levels, retain original wording for Problem Statement #3, since the Problem Statements were generated during the October public process.
- 11 – under Water Quality, delete ‘roads’ and ‘sites’ insert DISTURBANCE. Sentence to read: “... geese, gasoline engines, disturbance from *Marcellus Shale* gas extraction, lawn management, and agriculture.
- 11 – under Growth, retain ‘reduction in tree canopy’.
- 12 – title of Accountability: delete ‘Lake Management Responsibility’. New title is Accountability, Agency Coordination and Public Understanding.
- 12 – under Accountability, Problem Statement #2: delete ‘believed to be’.
- 13 and ff – Secretary Gill requested “first year actions” and a change in the four time frames. The new time frames:
 - Ongoing – currently underway or an activity currently programmed
 - First Year
 - Near term – 1 to 3 years
 - Mid term – 3 to 5 years
 - Long term – 5 years or more
- 14 – check Subcommittee name.
- 19 – the discussion of separating lake and stream water quality into two goals; the overarching goal addresses that issue. Catherine will clarify the issue of different measurement criteria and the old MBSS data with DNR staff experts. Also the question of goal numbering was raised here, and Catherine will ask the editor for suggestions.
- 21 – DNR added Strategy #1, OK with SC, but change forest land to PUBLIC land.
- 22 – timing changes on O2/S3 and O3/S2 OK.
- 23 and ff – add IMPACTED to Goal 3; delete ‘around docks’ when referencing the SAV management. The SC would like to keep it more general since this is an issue that comes

before the PRB frequently. Catherine explained that SAV management around docks is a DNR policy, but will clarify the issue with the appropriate DNR authorities.

- 26 – discussion about the 25’ buffer monuments but no changes made.
- 28 – Strategy 3; the change to ‘needed improvements’ softens the statement. Even better would be to identify the specifics.
- 28 – Strategy 4; delete ‘reduce or’, and add ‘FOR THE ADJACENT PERMITTEE’ to the reference of incentive programs.
- 33 – Growth, Septic and Sewerage, Goal 3 narrative, add a reference to the appendix at the end of the fourth paragraph.
- 34 – Growth, Recreation, Paragraph #2, change ‘marina’ to DOCK.
- 35 – Objective #1 Fees for Shoreline Erosion permits, should be relocated out of ‘Recreation’. Catherine will ask the editor to suggest a better location.
- 36 – Objective #4, enhancing Green Infrastructure: Add to Objective: “The Deep Creek Lake State Park shall become the model for environmental best management practices.”
- 36 – discussion about High Value Forests, but no change in language.
- 37 – delete ‘targets’.
- 38 – delete alternate overarching goal.
- 39 – language change to ‘release made at the discretion of the power company’ OK.
- 39 – Keep both the deleted and the longer explanation in first bullet.
- 39 – Second bullet; add beginning sentence: ‘There are a variety of economic benefits derived from Deep Creek Lake, both upstream and downstream.’ Change property owners to USERS. Delete ‘from this region tax district.’ The paragraph ends at the word ‘revenues’.
- 39 – The TER question. MDE believes the TER and whitewater were separate issues until 2009; yet the sentence was deleted. There may be a way to achieve TER’s with lower flow. After additional discussion, it was agreed to delete the last sentence as was shown on the draft.
- 39 – Fourth bullet; delete the end of the second sentence ‘that allows the lake to remain in existence.
- 40 – The 2019 question. David will talk with Joe Gill about this issue. He and Joe have had the discussion already. The SC would like to get the allocation permit re-opened for review no less than a year after the results of the independent evaluation are known. It should also be noted for the record that the permit was revised in 2009 and 2011.
- 40 – User neutral: delete the phrase ‘and user neutral’ from Goal 1 narrative.
- 42 – delete the Water Budget Comparison chart, and related explanation on page 40 and 41, since the idea of an independent contractor was approved in the draft plan.
- 43 – Objective 1 Strategy #4, delete ‘due on 2019’.
- 43 – O2, define/spell out PPRP.
- 44 – O1/S1, delete the addition, beginning with ‘Advise...’.

This concludes the page-by-page review of the draft document.

Minutes from the May 20/21 work session and the June 2nd SC meeting

The minutes from the May 20/21 work session were not available for approval at the June 2nd SC meeting but have since been posted as draft minutes on the DNR webpage, as well as being sent to the SC members. **David called for a motion to approve the May 20/21 work session**

minutes, motioned by Bob Hoffmann, seconded by Lulu Gonella. With no discussion, the May 20/21 minutes were unanimously approved.

The minutes from the June 2nd SC meeting have also been posted as draft minutes on the DNR webpage, as well as being sent to the SC members. **David called for a motion to approve the June 2nd SC minutes, motioned by Bob Browning, seconded by Bob Hoffmann. With no discussion, the minutes of the June 2nd SC meeting were unanimously approved.**

Letter from the Garrett Board Of Realtors

Paul Durham raised several questions about the governance structure via a letter to the Executive Committee of the DCWMP SC. No definitive response can be provided, since the signers of the MOU could change the recommendations of the subcommittee that studied the governance issue. David asked the SC for advice on how to proceed. The discussion resulted in a decision that the Chair reply with an explanation that the proposals are actions that may be taken, but the final decision is up to the signers of the MOU. It was also suggested that the letter include recommending the staff of the Board of Realtors review the models that the subcommittee studied, primarily the Reservoir Watershed Agreement of 2005, under which drinking water sources for Baltimore City are protected. Finally, indicate that the full report will be available at the State of the Watershed meeting on July 24th.

The August 9th Public Meeting

A brief discussion informed the SC members that the meeting would be held at Wisp, in one of the new yurts, and a continental breakfast would be provided. There were concerns over the meeting model as proposed and the potential for mixed messages from a large number of resource people. The ‘stations’ set up to answer questions about the work of the four subcommittees is another opportunity for mixed messages. Given the hour, the SC agreed that the Executive Committee convene a conference call to work out these details and to eliminate presentations at the four subcommittee stations.

Distribution of the Pre-edited Plan

Deborah Carpenter asked when the plan could be distributed. Catherine Shanks suggested the plan be sent to Wendell Beitzel and George Edwards, as well as the members of the subcommittee. Deb will email it. Pete added that the pre-edited version is not open to comments and changes, (implying instead that comments will be received during the public comment period beginning on July 24th).

Future Role of the SC

David commented “The question was raised about meeting again after the 30 day public comment period. Based on the comments that have been voiced today, the answer is yes; we will meet again in September. Since our usual meeting day falls on Labor Day, we will meet on the second Monday, September 8th, same time, same place.”

Public Comments

Morgan France was the first to sign in to speak. He first thanked the DNR, MDE and the SC for all the work that had been done to produce the report. Second, he noted that funding is needed, and urged the listeners to encourage the use existing tax streams. The state collects money too and how is it spent? Use existing funds to accomplish the recommendations of the plan.

Paul Weiler also spoke and echoed Morgan's thanks. Paul continued by commenting on Catherine Shanks' explanation that in the design of the SC, the 'state' is the customer. But consider, the SC is constituted by constituents of the Deep Creek Lake and watershed and the SC is a conduit to the state. This is a different model to be considered.

Barbara Beelar was the last speaker, 'ditto' to the points by both Morgan France and Paul Weiler. Her second point had to do with hydrilla and Eurasian Water Milfoil, both at the surface but warning buoys cannot be placed to keep people out of the beds. Boat props cut it up and redistribute it throughout the lake. There is a need to amend the law for placement of additional buoys. There's the need for some local control and immediate action, one more hole in the relationship.

Seeing no additional speakers, David called for a motion to adjourn received with unanimous agreement.

