

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
September 11, 2013

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

Members of the Steering Committee present include David Myerberg, chair, Pete Versteegen, Steve Green, Bob Browning, John Forman, Willie Lantz, Glen Neiport, Lulu Gonella, and Bob Hoffmann. Staff to the Steering Committee was also present and they include Cathie Shanks of MD DNR, Christine Conn of MD DNR, Debbie Carpenter of Garrett County, and Mike Bilek of the Hughes Center for Agro ecology.

Welcome and Introductory Remarks, Introductions of SC members and participants

David Myerberg opened the meeting at ten past the 1:00 hour by welcoming everyone to the first SC meeting pursuant to the Memo of Understanding between DNR and the Commissioners of http://www.dnr.maryland.gov/ccs/pdfs/dclwmp/MOU_DNRGarrettDCL.pdf. Garrett County provides the link to this document. David asked for the group to join him in a moment of silence honoring those victims lost during the terrorist attacks of 9-11-2001. David Myerberg noted that four and a half hours are allotted to this first meeting and there is a lot to accomplish during this time. He asked for each member of the SC and staff to provide a brief introduction.

- David Myerberg indicated that he has had a home on the Lake since 1985, was appointed Chairman of the Deep Creek Lake Policy and Review Board about 2 years ago, he is a lawyer who practices litigation related to science and medicine with Jackson Kelly PLLC in Morgantown, WV, and is also a Board Certified Pediatrician and Newborn Intensive Care physician. He and his family cherish Deep Creek Lake, and want to help to preserve the watershed and the lake for many future generations to come. He is one of the four SC members representing residents.
- Pete Versteegen has been a full time resident since 2000, had previously worked for SAIC, created the website Deep Creek Answers.com, and is one of four SC members representing residents.
- Catherine Shanks is DNR's rep to the SC, and has been working on watershed issues since 1979; she provides staff support to the SC.
- Christine Conn is also with DNR, holds a PhD in Ecosystem Ecology, and provides staff support to the SC.
- Steve Green is owner of High Mountain Sports, is a past member of the policy review board, and a member of DNR's State Trails committee. Steve represents recreational interests on the SC.
- Bob Browning is a local businessman representing local businesses on the SC. He is a member and past President of the Chamber of Commerce, and attends Policy Review board meetings.
- John Forman, an Oakland native, holds a Forestry degree and works in the wood products industry. John served on the county planning commission for 13 years and was the first chair of the Policy Review Board. John represents Forestry interests on the SC.
- Willie Lantz is representing Agriculture on the SC and is with the University of Maryland working as an Extension Agent. He grew up on a dairy farm and currently farms 100 acres south of Oakland. Willie was involved in the county's recent Comprehensive Plan process working on Land Use issues.

- Glen Neiport is with Brookfield Power, is the superintendent of the power plant since 2002 and has been involved with hydroelectric power for the last 30 to 40 years. He is the alternate representing the power plant.
- Lulu Gonella bought a home on the lake in 2009, she is an executive coach and management consultant, and prior to this she did organizational development work for major CPA firms. She serves on many boards and represents residents on the SC.
- Bob Hoffmann bought a home off the lake in 2003 and resides here permanently since 2010. Bob is a retired USAF Brigadier General; he serves on the Policy Review Board, and represents residents on the SC.
- Mike Bilek consults for the U of M's Hughes Center for Agro-ecology, specializing in public participation. He provides staff support to the SC.
- Deborah Carpenter is a 'techie' with Garrett county's Planning and Land Development office, she holds a bachelors in Environmental studies and a Masters in Geography, a native of the District of Columbia, she grew up in Friendsville and has lived on the lake for the past 21 years. She is Garrett County's rep to the SC and provides staff support to the committee.

Expectations for the Steering Committee and the Plan

Deborah Carpenter presented the Expectations for the SC membership. Her power point presentation can be found at http://www.dnr.state.md.us/ccs/pdfs/dclwmp/091113_Ila_EP.pdf. Debbie began by presenting a flow chart of roles and lines of communication, asking the SC members to think about whom they represent, their constituencies. She reminded the SC that they are a gateway to their constituency and that two-way communication is essential. Debbie also asked the SC to think about who might NOT be represented. Those groups should be considered for inclusion. The next slide indicated the list of duties for SC members to include attending and participating in meetings, communicating with the various group whom they represent, attending and assisting with the public meetings, assist with the analysis of the public comments, participate in subcommittee work, review the adequacy of the resource materials, review and comment on materials and draft plan sections, and assist with drafting plan sections as needed. She closed by indicating that watershed planning is a complex topic and thus far, at least ten issues have been raised. They are lake levels, infrastructure, erosion and sediment, forestry and agriculture, submerged aquatic vegetation, growth pressure, resident geese, industrial impacts, water quality and the need to communicate with and educate watershed residents and visitors.

Catherine Shanks presented the Expectations for the plan. Her handout can be found at http://www.dnr.state.md.us/ccs/pdfs/dclwmp/091113_Ilb_WPS.pdf. Catherine explained what watershed planning encompasses; considering the range of environmental, economic and social issues under a common framework, working within the natural (rather than political) boundaries, focusing on protection and restoration of water quality, habitat and natural resources. There are connections between land use and environmental health. The plan provides a framework for assessing impacts from land use decisions and changes, as well as providing a direction for restoration and preservation actions. The plan is not a substitute for the comprehensive planning process, nor is it regulatory. It does not address transportation, economic development or related issues other than to assess the impacts these other issues might have on the resource. The plan is not static, it will need to be revisited and updated. The

elements of the plan are broken into seven major parts and are identified on the handout as elements A through G.

Catherine continued with a description of the anticipated outline of the plan, based upon her experience with other similar successful plans on which she has worked. These WRAS (watershed restoration action strategies) plan elements are outlined in the handout and can be accessed at http://www.dnr.state.md.us/ccs/pdfs/dclwmp/091113_IIc_DCLWMP_outline.pdf. Steve Green asked if a watershed management plan enables funding, to which Catherine replied yes, funding entities usually want to see how the money will be spent and a WMP will give a complete picture. There are and will be links posted on the DNR website to funding sources.

Housekeeping and Operational Issues

David Myerberg explained that the next hour of the agenda would be dedicated to several items.

Open Meetings Law

David reintroduced Catherine Shanks to cover the topic. Catherine's handouts are from the Maryland Open Meetings Act Manual, and can be found at <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>. Catherine began by encouraging the SC to take the Open Meetings Law training which can be found at the http://www.igsr.umd.edu/VLC/OMA/class_oma_intro1.php. She explained that the general public needs to be witness to the deliberations of an officially appointed body such as our SC, during its transaction of public business. We have a responsibility to advertise our meeting times, dates and locations, and to post minutes, so the public can have access to our decisions and recommendations. A quorum, which for our group is five people constitutes a meeting, which falls under the OM Law. Chance encounters are exempt, and SC members are dissuaded from discussing SC business when five or more members are present. Minutes are required to be posted within 5 weeks of the date of the meeting, and must contain each item considered and the result of the vote. Meeting rooms must be (ADA) accessible. Meeting cancellations must also be posted. While closed sessions are exempt, this committee will not deliberate over issues, which qualify under the Closed Session exemption.

Ground Rules

David next asked Mike Bilek to lead the discussion on Ground Rules. Mike mentioned that ground rules would be the group norms of behavior under which the SC will operate. Discussions prior to this meeting generated a short list of Ground Rules, but we'll take the time now to come up with our own list, and after discussion the list is as follows:

- Please turn cell phones off
- Address each other with respect, whether in agreement or not
- Start and end all meetings on time
- Follow the agenda
- SC members will read materials ahead of time and are prepared to participate
- Maximum meeting time is three hours, unless agreed upon by SC vote
- Avoid side conversations, listen and don't interrupt
- Allow for exchanges, do not speak 'over' another speaker
- Be concise and as 'to the point' as possible when speaking
- At SC discretion, issues can be tabled and/or added to the 'parking lot'

- Follow Robert's Rules, people will speak when recognized by the chair
- Speak without fear of reprisal
- Official emails come from the chair, and emails are labeled ACTION REQUIRED or FOR INFORMATION. Also, allow ample lead-time to review materials, etc prior to the SC meetings (24 hours minimum)
- Follow the Open Meetings model for procedures, etc.

David asked for additional discussion, and seeing none, called for a motion to adopt. Motion by Mr. Browning, second by Mr. Hoffmann, motion was unanimously approved.

Vice Chair

After a short break, David reconvened the group and stated that the SC needs a vice chair in case he is not available, and that after his general call for a volunteer to serve in that capacity, Pete Versteegen offered. David moved that Pete be voted as vice chair, Steve Green seconded, and motion was unanimously approved.

Forming an Executive Committee

David continued that prior to this (September 11th) meeting, he has been working with the staff of DNR, the County and the Hughes Center to prepare for this first meeting. In order to retain an open transparent process, he recommended that an executive committee be formed to take the time necessary to get the SC from one meeting to the next. The Executive Committee would be comprised of the chair and vice chair of the SC, as well as the staff, which include Catherine Shanks, Christine Conn, Debbie Carpenter, and Mike Bilek. The Executive Committee would coordinate the work of the SC, provide data to the membership, coordinate comments from the public, convene separate meetings as necessary, and related functions. He called for discussion. Bob Browning thought this was a great idea and made a motion to proceed. A question about the need to adhere to the Open Meetings Law was raised, and David answered that only the chair and vice chair were SC members, the remaining people were support staff. Mr. Browning restated his motion, Mr. Nieport seconded and the motion was unanimously approved.

Agendas

David suggested agendas are crucial to help organize us to the through meetings. At every meeting, SC members are encouraged to bring forth agenda items to be included in future meetings. Agendas will be posted on the Garrett county and DNR websites, to which Catherine Shanks added that DNR is creating a website that is just for this committee, the link is http://www.dnr.state.md.us/ccs/dcl_wmp.asp. SC members, staff, meeting notices, minutes, links to important documents, links for public input and agendas will all be on this one webpage, along with the requirements to meet the Open Meetings Law requirements. Several questions were raised about the capability of the website, especially with regard to 'pushing' information out to those who ask for it. Catherine responded that she would inquire about that capability. David continued that the Executive Committee (EC) would prepare the draft meeting agendas, and ask for SC feedback. Final agendas would be published for the public to see. Minutes from the previous meeting would be posted as draft minutes until approved at the next SC meeting.

Quorums and Decisions

David stated that a majority of members, five members, constitutes a quorum. Members can join by phone, but added that the cost to call in is five cents per minute per line, so please be present.

The SC makes decisions using the Robert's Rules. Discussions of issues lead to motions and seconds of motions, with opportunity to change with further discussion. Final and seconded motions are then voted upon. All decisions and vote count will be recorded in the minutes.

Regularly scheduled SC meetings

David suggested the SC select a standing day and time to convene its monthly meetings, in order to meet some of the aforementioned public notification requirements. He suggested any given Friday. Ms. Gonella countered by suggesting a Monday morning. The three-hour limit was mentioned as a reminder. Discussion ensued. The final decision was determined to be the first Monday of each month, from noon until 3 pm. David asked that the dates be checked and a final schedule be sent. Deborah Carpenter commented that she would double check the availability of this room (Health Department building, room 107) and would send the schedule to the SC members and staff. (NOTE: the dates will appear in the next set of meeting minutes). David called for a motion made by Mr. Versteegen and seconded by Mr. Browning and several others. The motion was unanimously approved.

Project Management and SMART Methodology

Thanks to some earlier work that Pete Versteegen had offered about process, David asked him to present his thoughts on project management to the entire group. Pete agreed and presented the following information. A handout accompanying his presentation can be found at http://www.dnr.state.md.us/ccs/pdfs/dclwmp/091113_IV_PM.pdf.

Pete began with asking the group to consider the purpose of the plan, and suggested that the (watershed) management plan is a blueprint for maintaining a healthy watershed and a healthy lake while being responsive to all those that depend on it. He continued that the group would use project management principles to develop the plan, to include 1. a vision (the purpose of the effort), 2. goals (the desired outcomes), 3. objectives (steps to meet the goals), 4. strategies (actions to execute to accomplish the objectives), and 5. tactics (the pieces needed to execute the strategies). Parts # 1, 2, & 3 are the parts of the plan where public involvement are important, and parts # 4, and 5 are the behind the scenes work done by the county, DNR and the SC. The goals and objectives are the most important part of the plan. The Goal Setting process is best accomplished using the SMART acronym, Specific, Measurable, Attainable, Relevant and Time Bound. Pete continued by giving examples of goals and objectives and concluded with an eye to our end product, a report/document that specifies:

- What needs to be done
- When it needs to be done
- How much it will cost to get it done
- Who should do the work and
- The prioritization of the work to be done.

David thanked Pete for his thorough overview of the topic.

What are the Current Issues Facing Deep Creek Lake?

Based on an email request from David Myerberg to the SC members, ten issues have been identified and are listed below in priority order (prioritization based on the number of SC members identifying the issue as well as the relative priority given to that issue by each SC member).

1. LAKE LEVELS
2. EROSION and SEDIMENTATION

3. SAV
4. INDUSTRIAL IMPACTS
5. INFRASTRUCTURE
6. FORESTRY AND AGRICULTURE
7. WATER QUALITY
8. GEESE
9. GROWTH PRESSURE
10. COMMUNICATE / EDUCATE

A discussion ensued. A question was raised "... will the final report only consider things that affect water quality?" and the issue of property values was mentioned, to which Catherine Shanks replied "...all of these have some impact on the natural resource." Pete pointed out that this is a man made lake with man made issues requiring man made solutions. A comment was added that the two were intertwined. Catherine added that the plan covered the natural elements. Bob Hoffmann added that "... as a representative of property owners, I'm not sure property values are not related to lake issues." David asked if there were additional issues. Pete added that Communicate and Educate were important in that active dissemination of information gets the community actively involved. Steve Green remarked that "... we need to keep lake level discussions germane to water quality, as in how it's going to help/benefit the watershed rather than home owners". Bob Hoffmann asked if that would be outside of our review, giving the example that homeowners cannot use boats at certain times due to lake levels. Catherine added that (the SC) needs to balance water quality with uses and needs. There may be indirect issues but we may not be able to do something other than mention it and maybe comment. Steve added that "quality" comes down to the definition of quality, the quality of water, the quality of the recreation experience..."

The discussion continued. Willie Lantz stated "... I'm not sure that these issues are aligned as we will ultimately want them to be because of the interrelatedness of the issues". Bob Browning cautioned not to limit us too much on the issues.. Glenn Neiport added that he hopes people realize lake levels are mandated by a permit and this entire issue is a balancing act. He added that he doesn't think everyone is represented on this SC. David inquired as to who is missing and Glenn replied the downstream users and fisheries. David added that the DCL PRB received a letter from MDE stating they are not going to revisit lake levels until 2019. Lyn Poorman of MDE, seated in the audience commented in behalf of MDE that while there's a triennial review of the permit, MDE does not plan to rewrite the permit until it expires in 2019. David added that in his conversations with MDE's secretary, the same position was stated. David asked for a motion to adopt this list as a good starter list, the motion was made by Mr. Browning, seconded by Mr. Hoffmann and passed unanimously.

The first Public Meeting: design, date and notification

David introduced Mike Bilek who began by reiterating the need for the first public meeting, which is to assure that comments from all segments of the public were given the opportunity to offer suggestions of issues that should be covered by the plan. The plan, in brief, allowed for a quick (20 minutes or so) overview of what this effort is about and how the public can contribute to the process at the meeting. Next, participants would visit the ten or twelve "issue stations" each identified by an "Issue Poster", from which participants could learn more about the issue and possible solutions. A SC member, and perhaps someone who is an expert on the issue topic would staff each station. A standard form was shown to the SC on which comments could be written. The form includes name and personal contact information, the place to identify the

issue, and to give it a priority, as well as any ideas the participant has for solutions. The public feedback element would remain open and comment forms could be accessed on the DNR hosted DCL website. Mike asked the SC for feedback on the plan design and added that the date and venue are still pending and also must be decided at this meeting.

A lengthy discussion followed with David suggesting we not use experts at the Issue Stations, Lulu suggesting using computers to complete the form instead of hand writing, David reminding that issues raised would be more useful if they included documentation (photos, references etc), Pete suggested that the event needs to be more participatory, need to find ways to get people talking to each other. Willie asked that if the meeting was about gathering information, should the topics even be defined. Bob Hoffmann suggested that too much info on the poster is dangerous. David asked about Pete's suggestion. Glenn suggested the first public meeting as we discussed, a second workshop to incorporate Pete's idea of finding a way to get people to talk to each other, and the final meeting, to show 'here's what we've come up with...'. Bob Hoffmann added that a lot of the same people will be at the meeting, and we need to advertise like crazy all over (the county) to assure a good turnout.

David reiterated that the purpose of the public meeting is to engage the public in this process, and to learn of their priority issues. David offered that the Executive Committee would discuss and come up with a better-defined public meeting format and send it out to the full SC. Given the work yet to be done, it was agreed that October 5th was the better meeting date. Willie asked if the public meeting data could be available by the October 7th meeting? Lulu suggested skipping October and have the first meeting on November 4th. Steve asked if the comment form could be left up on the website, Cathie replied yes.

Two votes were taken. The first motion was for a public meeting on October 5th from 9:30 a.m. until noon, later amended to 10 a.m. until 1 p.m., and to include not holding an SC meeting on October 7th. The motion was moved by Ms. Gonella seconded by Mr. Versteegen. The motion passed unanimously. The second motion was for the Executive Committee to decide on the format for the October 5th public meeting. Motion by Mr. Green, seconded by Mr. Browning. The motion passed unanimously.

Are All Constituency Groups Represented?

David led the discussion by pointing out that the SC members were selected by DNR and the county based on representing various constituencies, and that citizens had at least three opportunities to be heard, and they are first to find one of the nine SC members to represent them, second to attend the Public Meeting and to comment, cite and give examples, and finally to enter a comment using the website. Both for the record, and to assure that all groups were covered, David asked each SC member to reiterate the groups they represent.

- Bob Browning represents business interests, the Chamber of Commerce, the Board of Realtors and fracking interests.
- Willie Lantz represents farming, the Garrett Farm Bureau, and the Garrett Soil Conservation District.
- Bob Hoffmann is one of four members who represent citizens, and specifically the Property Owners Association (POA), and Save Deep Creek.
- Mike Sabad/Glenn Neiport represents Brookfield power.
- John Forman represents forestry interests.
- Lulu Gonella is one of four members who represent citizens, and specifically 1000 Acres Association and Friends of Deep Creek.
- Pete Versteegen is one of four members who represent citizens and specifically SPORE and Garrett College.

- Steve Green represents recreational interests including trails, whitewater, anglers, kayakers, canoeing, snow mobiling, sailors, hunters, archers, birders, ice fishermen, tri-athletes, open water swimmers, divers, bikers, hikers, walkers, snow boarders and skiers and cross country skiers, snow kites, golfers, and equestrian interests.

David closed the discussion by reminding SC members that if they receive questions about proceeding, it's OK to respond about the actions taken, but not the deliberations. Issues are 'by the board, not by individuals'. It is a fiduciary responsibility to adhere to this.

After a short break, comments from the public were received. Five members of the public signed up to speak.

1. Ken Fisher indicated that besides the forestry board, there are many other Maryland state departments with interests in DCL, Assessments and Taxation, Dept of Agriculture, Dept of Environment, State Health dept, Office of the Attorney General, and all the county departments as well. And regarding the public meeting, there are only 23 days until the meeting, and he's not sure sufficient public notice can be accomplished.
2. Barbara Beelar acknowledged that the effort is so complicated, with a wide cast of characters who all have to be included. But the challenge will be to set the vision. Please refer to the DCL Recreation and Land Use plan section 08.08.01 while setting the vision and note under "Ecological Balance" that the highest use of DCL is as a recreational resource. You must factor recreation into the list of issues impacting the lake.
3. Ellen Williams acknowledged the process and sees communication with stakeholders as crucial, especially how to get the public involved and to the meeting. She sees a gap, those in the watershed and not on the lake are not represented. But they will be impacted, by taxes and change. Send a letter to them to let them know what is happening, and about the meeting and the website. Also, an issue not covered is managing the lake. It is state owned, but not managed to the highest and best use.
4. Jess Whitmore is a councilman representing town of Friendsville and the county Economic Development (entity). He feels that Friendsville should be represented on the SC. He likes the way MDE holds their stakeholder meetings and we should use their list to notify people. As far as water levels, the (DCL) PRB does not understand the rule band and water appropriation permit. Raising lake levels in dry seasons takes water from Friendsville and from whitewater recreation and from Brookfield. Talk about raising water levels concerns river runners. The PRB doesn't understand the Rule Band. Pursue it scientifically. You must understand the Rule Band.
5. Richard Matlick has gone to all PRB and POA meetings. He takes exception to the remarks by the Friendsville person. The lake and watershed need to be managed. Consider the aquifers. Once the water is released, it is gone. All of Garrett suffers with draw downs.

Seeing no one else wanting to make a comment, David asked for a motion to adjourn, Mr. Browning moved, and Mr. Neiport seconded and with a unanimous vote, the meeting was adjourned at just a few minutes after 5:30 p.m.

NOTE: the minutes were approved at the November 4, 2013, SC meeting.