

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
September 8, 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,
Willie Lantz,
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 eleventh, and final meeting of the SC to order, shortly after noon. David noted this is the last meeting prior to submitting the plan to the signers of the MOU. David also recognized the honored guests present, Garrett County Commissioner Bob Gatto, and DNR's Deputy Secretary Frank W. Dawson. Dr. Myerberg welcomed everyone to the meeting, and thanked everyone who had submitted written comments on the draft. He further thanked DNR's Catherine Shanks and others at DNR, as well as the editor, Lara Lutz, who had worked to put the plan into its present form. David also thanked Garrett County's Deborah Carpenter, who had received, catalogued, and consolidated all of the public comments into a concise format, goal by goal. This effort has made it easier for everyone to review the comments.

Review of the Public Comments

David moved immediately to the next item on the agenda, the review of the public comments. He began with the discussion of the over-arching question raised, 'do we (the SC) undertake a major overhaul of the draft. This would entail another public comment period prior to submitting it to the signers of the MOU. David asked for the thoughts of the SC. Pete Versteegen stated that the plan should have the discussion piece first, then identify the goals and objectives. The Goal is a 'what' (what needs to happen) and the 'how' to do the goal should be left up to the experts at MDE, DNR, and Garrett county. Bob Hoffmann offered that he finds the report 'readable' and added that it will take considerable effort to do the reorganization of the document. David Myerberg agreed that he also finds the report 'readable'. Lulu Gonella agreed and added that the subcommittee content for example is too much to read in the document, this report, and the way it is layed out is just the right amount. John Foreman is also OK with the format. David asked if there is a motion on Pete Versteegen's first comment. After some additional discussion, Bob Hoffmann motioned that the document be kept in the same format as

it currently is, and Lulu Gonella seconded the motion. The motion passed with six SC members in favor (Bob Browning was not in the room during this vote) and one SC member, Pete Versteegen opposed.

David continued with the discussion of the comments that suggested scraping the entire effort. He added that this decision is not the SC's but up to the signers of the MOU.

David also pointed out on the issue of recusal, that one of the comments mentioned that David should not be a part of the fracking discussion, since his law firm, Jackson Kelly, works for coal, gas and oil interests. David noted that there are four attorneys licensed to practice in Maryland but none of the four do any gas or oil work or environmental work in Maryland. He further added that he has not been involved in the development of fracking policy. Nonetheless, David will recuse himself from participating and voting on the fracking issue when it comes up in today's discussion.

As the review of the individual comments began, Dr. Christine Conn made the adjustments, corrections and changes electronically to the public comment summary document that Deborah Carpenter had prepared. To review all of the changes to the document, please visit the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan> .

Public Comments for Goal 1 generated much discussion particularly around the General Comments, however nothing was changed that required voting. See the Public Comment document for the individual changes.

Public Comments for Goals 2, 3, 4, and 5 were reviewed fairly quickly, however no changes requiring voting occurred. See the Public Comment document for the individual changes. .

Goal 7 Objective 3, "insure that gas drilling and extraction has minimal impact in the Deep Creek Watershed" was discussed next. Bob Browning chaired the discussion due to David Myerberg's recusal. During discussion, it was noted that the state plan for gas drilling is still under development at this time and any further discussion should be deferred to the existing county committee. Yet, seven separate public comments asked that the plan be changed to include a recommendation that drilling not be allowed in the watershed.

Steve Green made a motion that no drilling be allowed in the DCL watershed. Lulu Gonella seconded the motion. Willie Lantz asked if this was a change to the Plan, and Lulu replied yes, to Goal 7 Objective 3. The strategies still apply and can be left unchanged. Much discussion ensued, regarding individual property rights, concerns over accidents, the work of the Marcellus Shale committee, and the need of the SC to influence the state's discussions to the economic impacts. Seeing no further discussion the motion was re-stated, "No Shale Gas drilling, either horizontal or vertical shall be allowed in the DCL watershed." The motion failed with Steve, Lulu and Pete in favor, and Bob Browning, John Forman, Bob Hoffmann and Willie Lantz opposed.

A second motion was made that no well heads shall be allowed in the watershed. The motion was made by Steve Green and seconded by Lulu Gonella. More discussion ensued on the new motion and included continuing changes and improvements of gas drilling technology, the fact that the Plan is a living document and also can be changed, and this would make the SC's

position on this issue much stronger and constant with the rest of the plan. Seeing no further discussion the motion was restated, “No well heads shall be allowed in the watershed.” The motion also included retaining the original recommendations for objectives and strategies as prepared by the subcommittee. The motion passed with four, Steve, Lulu, Pete and Bob Hoffmann voting in favor, and Bob Browning, John Forman and Willie Lantz opposed. See the Public Comment document for the individual changes.

Back to Goal 6, general discussion resulted in adding a reference to the role of the PRB in reviewing the DNR sediment report.

Goal 7 review required no substantive changes other than what was discussed for Objective 3..

Goals 8, 9, 10 and 11 were reviewed with no substantive changes.

Goal 12 discussion covered the idea that the varying water levels in the lake each bring their own set of challenges. The decision to acknowledge the erosion issues found in certain sections of the lake during higher lake level periods will be added to the narrative. It is anticipated that the work of the consultant to be hired to study the water budget, TER and related issues will address the additional comments. Concerns over the need for an emergency drawdown plan will be referred to MDE. The re-ordering of strategies under Objective 1 was agreed to without requiring a vote. Objective 2 was eliminated and the Strategy under Objective 2 moved to under Objective 1.

Goal 13 was reviewed fairly quickly, however the changes that occurred did not require voting.

Review and Approval of July SC minutes

Bob Hoffmann called David’s attention to the fact that the minutes from the July SC meeting were still in need of approval from the SC. David asked for a motion. Bob Hoffmann motioned for approval, seconded by Pete Versteegen, and unanimously approved by the SC.

The Remaining and New Role of the SC and Updates from the SC members

Given the very late hour (note, the meeting at this point was almost two hours past the 3:00 p.m. adjournment hour) this agenda item was not discussed.

Thank you, and Recognition of the SC and subcommittee members

DNR Deputy Secretary Frank W. Dawson and Garrett County Commissioner Bob Gatto were both on hand to offer a word of thanks to the members of the Steering Committee and to the members of the four subcommittees.

Frank Dawson offered sincere thanks on behalf of DNR Secretary Joe Gill. Frank stated that both he and Joe really appreciated all the work that had been done to get to this point. Bob Gatto offered his thanks also, noting that the efforts of all are appreciated. He added that this ‘will come together’, and reminded everyone that this project got its start back in December of 2011. Bob concluded by adding that we will keep this effort going and continue to work to make the county better.

Frank Dawson then presented a Certificate of Appreciation from Governor Martin O'Malley to each of the members of the Steering Committee. He also had DNR Certificates of Appreciation for SC and members of the four subcommittees.

Public Comments

Several members of the public had signed up to speak during this part of the agenda, and during most of the meeting there were approximately 12 members of the public present. At this late hour, while there were still several members of the public present, only two who wished to speak remained.

Eric Robison began his comments by saying thanks. The process made this effort difficult to follow given the scheduled time and day of the meetings as well as the amount of time allotted for review of the SC work by the public. Also, today, some of the comments (written public comments on the plan) were dismissed, while others were given more weight. Specific to the shale issue and the SC member Willie Lantz' contention that there is no scientific basis for the discussion, (Eric) offers that property rights are an emotional issue too, with no scientific basis; however, the potential for property depreciation is real. Research done by economic development staff have found that a (gas) well within a mile and a half of a property will result in a depreciation of that property by as much as 20 percent. The county estimates that revenue losses could be as high as \$119 million (based on property depreciation and lost tax revenue over the next 20 years). So, today's vote (on Goal 7 Objective 3) was good. Eric noted that the final draft of the county's Shale committee would be released soon. Eric concluded by stating his appreciation for the work of the SC, his appreciation for the attendance of DNR Deputy Secretary Frank Dawson, and his appreciation for everyone listening to him today.

Barbara Beelar spoke next and began by saying that the work (of the SC) deserves applause. Coming to the end of this phase, what comes next? The Deep Creek Lake Recreation and Land Use Plan should be reviewed by the SC as well as by future iterations of the SC. In many ways it affirms the work of the SC. There are challenges going forward. How do we make the proposed changes? As a member of the PRB, (Barbara notes) it seems that a lot of work has been moved on to the PRB agenda. We must highlight the things that the PRB will do, and the things that the Watershed Management Plan will do. We must integrate it and work together on it. The DCL Recreation and Land Use plan was to have been submitted to the Maryland General Assembly for approval in 2002. However, this was never done. But the (DCLRLU) plan must be given authority. Integrate the goals (of the DCLRLU and DCLWMP). The PRB will need to coordinate and integrate both. Consider growing the PRB to its full capacity.

Adjourn

Seeing no further public comments, chair David Myerberg called for a motion to adjourn. The motion was made by Bob Hoffmann, seconded by Bob Browning. The motion carried unanimously and the meeting ended after 5 pm.