Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
December 2, 2013

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

Members of the Steering Committee (SC) present include:
David Myerberg, Chair,
Steve Green,
Lulu Gonella,
Bob Browning,
Bob Hoffmann,
Willie Lantz,
John Forman,
and Pete Versteegen, Vice Chair.
Staff to the SC in attendance includes 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, introductory remarks, the approval of the November 4, 2013, minutes and voting on the subcommittee structure

Chair David Myerberg called the meeting to order at 12:03 p.m. He asked if there were any members of the public who did not know the members of the SC, and seeing none, dispensed with the introductions. David asked if there were any corrections or additions to the minutes of the last meeting. **Seeing none, he asked for a motion to approve the minutes, motioned by Lulu Gonella with a second by Bob Hoffmann. The motion passed unanimously.** David noted that the approved minutes will be posted on the DNR website at

http://www.dnr.state.md.us/deepcreekwatershedplan/.

Dr. Myerberg noted that the November meeting was very productive and thanked the SC for its work. He added that the SC engaged in lengthy discussions about the development of the subcommittee structure for addressing the problem statements raised by the public and the SC members, and while there was a motion from Willie Lantz and a second from Lulu Gonella to create the subcommittees, there was not a vote. He re-read the motion:

> …the motion is to create subcommittees to address the problem statements as generated by the SC and the public process. There are four subcommittee groups, Lake Levels, Water Quality (to include sediment and erosion, and SAV), Growth as defined in the staff report document, and Accountability as defined in the staff report document. These four subcommittees represent a consolidation of the eight problem statements.

He asked again if there was any discussion, and hearing none, he **called for a vote and the motion carried unanimously.**

Additional educational presentation topics

David stated that at last month's meeting, the SC enjoyed an excellent presentation by Willie Lantz on Agriculture. After the presentation, a document with ideas and dates for future educational presentations was distributed to the SC. The list was unanimously approved by the SC, was posted on the DNR webpage at http://www.dnr.state.md.us/deepcreekwatershedplan/ and will serve as

the schedule for SC educational presentations going forward. He asked if there were any additions to the list. Seeing none, he proceeded to the next part of the agenda.

Steering Committee Education: Land Use Planning in Garrett County
David introduced Deborah Carpenter, of the Garrett County Planning and Land Use department, also serving as Garrett County staff to the SC, for the next part of the agenda. Debbie presented an overview of land use planning in Garrett County, and provided a handout of nearly 30 pages. The handout was posted on the DNR webpage at http://www.dnr.state.md.us/deepcreekwatershedplan/ . Before she began, she reminded the audience that she and her office is always available to discuss or provide assistance on the documents or on anything that will be covered today. The following are highlights of her presentation. Comprehensive planning is long range and general, it is non regulatory. A thorough explanation of the timeline page was given, and she noted that approximately 3% of the county is considered a PFA, priority funding area. The Comprehensive Plan provides general goals and objectives. Growth trends and the economy influence what actually happens. Planning in Garrett County is done by watersheds. See the DCL Influence Area chapter in the Comp Plan. Chapter 5 covers the Water Resources Element of the Comp Plan. Some highlights from the Subdivision Ordinance Map include the Rural Residential designation accounts for 43% of the county, Ag designation accounts for 25% of the county land use designation, and the difference between Lake Residential 1 and LR 2 is that LR 1 is on sewer or planned sewer, and LR 2 is on septic. Sensitive Areas Ordinance and Regulations were mentioned, and maps of these areas are included in the handout.

Permits and Inspections are also a part of the Planning and Land Use department, and at the January meeting, Jim Torrington, whose office administers stormwater management, will present this in more detail.

The Sustainable Growth and Agriculture Preservation Act of 2012, aka the Septic Bill, received mention as well as a map in the handout of the Septic "Tiers". It was noted the proposed Accounting for Growth (AfG) regulations may be applied to "Tier 3" areas within the entire county, (not just the part of Garrett that is within the Chesapeake Bay Watershed). Finally two charts show the organizational relationship of regulation management from both the State side and the County side. For more information, you can also visit the County website at www.garrettcounty.org

Debbie concluded by asking for questions. Bob Hoffmann asked about the pending AfG regs and asked if the proposed offset fee would stay in the county or goes to Annapolis. Debbie replied that the proposed fee would goes into the Bay Restoration Fund managed by MDE, to be distributed for upgrades of wastewater treatment plants, for failing septic system upgrades, and to partially fund cover crops throughout the state. Willie Lantz added that trading is another way to address the offsets needs, albeit flawed. Lulu Gonella asked if the County elected officials could introduce legislation to keep offset fees local. John Nelson, Director of the Planning and Land Development office responded from the audience that the option exists to administer the proposed AfG regulations and fee collection locally, but the County is unlikely to do that unless the Tier 3 designation extends to the entire county. Seeing no further questions or comments, David suggested the careful reading of Chapter 4 of the 2008 Garrett County Comp Plan, particularly 4.12, Policies, etc; the subcommittees will need to know what has been updated, discounted, changed, and what remains. He reiterated the need for the subcommittees to have the most up to date information. He thanked Debbie for a very thorough presentation.

The Subcommittees and the Open Meetings Act

To follow up on the discussions of the November meeting, David asked the SC to consider four items: the work assignments given to the subcommittees, the membership of the subcommittees, the feedback loop to the SC, and public participation.

The Work Assignment:

He began by asking the SC for any other thoughts on the task, the work charge given to the subcommittees, noting that the charge is a difficult one. No one had anything to add.

The Membership:

Next was the issue of membership. David noted that we cannot have a SC quorum on any of the subcommittees and that technical staff and the public who applied will round out the membership. David mentioned the press release calling for people to populate the subcommittees. Regarding the new applicants, he remarked that they are very credentialed and that each subcommittee has a good mix. Debbie Carpenter, whose office advertised for and received the various indicators of interest, added that besides the list that had been emailed to the SC, there were several additions. Rich Orr or an alternate from the realtors is added to the Growth list; Morgan France is added to the Lake Levels list, and a forestry board member will likely not participate but instead rely on SC member John Forman. Also Roger Zbel indicated interest and is added to the Lake Levels subcommittee.

With those additions noted, David proposed the final list of participants for Lake Levels be SC members Bob Browning and Bob Hoffmann, and applicants Jess Whittemore, Roger Zbel, Paul Weiler, Richard Matlick, Donald Hershfeld, and Morgan France. Staff resources include Donald Cosden, Alan Klotz and Shawn Seaman from DNR, John Grace from MDE, and Mike Bilek will provide staff support to the subcommittee. Staff is non-voting. Pete Versteegen asked if this subcommittee would address shoreline erosion. The response is that the Water Quality group would address this topic. Lulu asked if one of the SC members would chair each of the subcommittees, which was the agreement of the group. David called for further discussion and questions, and seeing none, **asked for a motion and second, moved by Pete and Lulu. The Lake Levels applicants were unanimously approved.**

Water Quality subcommittee was next, SC members included Bob Browning, Steve Green, Willie Lantz, Pete Versteegen, and John Forman. Applicants from the public include Ken Fisher, Donald Hershfeld, and Steve Wilson. Staff resources include Sherm Garrison, Erin McLaughlin, Lee Carrh, Ron Klauda, Tony Prochaska, Rich Ortt, and Tim Culbreth, all of DNR. David noted that with five SC members, this would constitute a quorum. During discussion Pete noted that erosion is a lake level issue, but if the WQ subcommittee was addressing it, he wanted to be on the subcommittee. While Steve Green noted that there are two types of erosion in the watershed, the erosion issue should be addressed as a whole. Bob Browning agreed to withdraw his name, bringing the number to four SC members. During further discussion David mentioned that while voting is important, agreement may not be realistic with the subcommittee report out and recommendations. There may be majority and minority reports from subcommittees, and it will be up to the SC to decide. While the chair should work to bring everyone to agreement on issues, Bob Browning reminded that the work of the subcommittee is to consider all the information it can get and to bring recommendations to the SC for a decision. Pete added that a

minority report is OK. David added "…that is the work of the SC, to deal with the conflicts." Bob Browning continued that in the end, the SC writes the plan, to which David agreed. **Bob Browning motioned the applicants be approved, seconded by Bob Hoffmann and the motion passes unanimously.**

Growth (as defined in the Staff Report) was the next subcommittee and SC members include Bob Browning and Steve Green. Applicants include Paul Weiler, Eric Robison, Brian Greenburg and Rich Orr or an alternate. Debbie Carpenter will staff the subcommittee and will include MDE and DNR staff as necessary. Willie Lantz asked to be added. David mentioned the recent good experience with using free conference calling services. He mentioned this now since there will be so many staff from Annapolis participating. **With no further discussion Pete motioned and Bob Browning seconded the approval of the applicants and the motion carried unanimously.**

The final subcommittee is Accountability, as defined in the Staff Report. SC members include David Myerberg, and Lulu Gonella. Applicants from the public include Ken Fisher, Paul Weiler, Ellen Williams, and Barbara Beelar. Catherine Shanks, Carrie Decker and Eric Null, of DNR will provide staff support. Someone asked about a rep from the county. David asked John Nelson if he would consider serving in this capacity, since knowledge about the way things operate is what is needed. John agreed. **Bob Browning moved to accept the applicants, and Bob Hoffmann seconded. The motion carried unanimously.** Bob Hoffmann asked if Eric Null would serve in any capacity on the Lake Levels subcommittee, his name did not make the final list. Catherine Shanks said he could be contacted and would likely be able to address anything specific. Lulu also mentioned that several citizens applied for more than one committee. Should we check their commitment? Staff will check this out.

Chuck Hoffeditz asked that since SC members outnumbered the public on the WQ subcommittee, could he be considered as a citizen member. General agreement was voiced indicating his expertise would be welcomed. Willie motioned and Pete as well as Steve seconded the motion, which was unanimously approved. David indicated that procedurally, there should be a motion to accept applicants up to now, and Lulu and Steve motioned and seconded. The motion carried unanimously.

The Feedback Loop:
David stated there is a recommendation that all four subcommittees submit a written report on its work at each of the future SC meetings. Subcommittee reports will become an agenda item going forward. A subcommittee representative will present the written report, with time for questions and answers. The SC will provide feedback and direction on the work of the subcommittee. The SC will vote on the work and recommendations of each of the subcommittees.

Discussion by SC members provided clarity to the proposal; the presentations would be expected to run under 30 minutes including questions. An oral report or presentation may replace a written report. Since subcommittee work is 'work in progress' a report on progress should be given, and as work and time go on, the progress reports should become longer. Reports should be thorough enough so direction can be determined and feedback provided if necessary. David indicated it might be tough to follow progress unless there is something in writing.   Catherine stated the final report is due in May, and out to the public in June. Given the dynamic nature of

the charge to subcommittees, the work product could change. The final take away from the discussion is to get as much as possible out in a written form. The earlier those findings are in writing, the better. This is part of the process so no vote was needed.

The Public Process:
David indicated that the SC would consider making its open meetings even more open. Current practices are a combination of both OMA requirements, and choices we have made. A view of the chart, copied below indicates what the Open Meetings Act (OMA) requires in the first column, and the middle column indicates those steps we have taken to go beyond both the OMA and what the MOU may have envisioned. Finally the third column represents the advice that the SC will provide to the subcommittees for consistency in subcommittee operations. The discussion centered around determining if the Steering Committee should change regarding how SC conducts its meetings and what recommendations should be given to the subcommittees regarding the OMA.

Meeting Practice	OMA	cSC	Subcom
Advertise meeting times, dates and locations	XXX	XXX	
Post Agenda prior to the meeting		XXX	
Schedule agenda time for the public to speak		XXX	
Post Draft Minutes on web		XXX	
Post Approved Minutes on web	XXX	XXX	
Post pre-decisional and deliberative documents on web			
Post presentations on web prior to meeting		XXX	
Distribute presentations and other handouts to members of the public in attendance		Inconsistent	
Distribute pre-decisional and deliberative documents to members of the public in attendance			
Open meetings to the public by free Internet Conference Call			

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A lengthy discussion ensued. SC members noted that if a document for SC meeting discussion could be taken out of context, it should not be posted prior to the meeting. It was added that if the public can make the product better, then share it. A question was raised on who makes the decision to share or not to share ahead of time. The answer is the Executive Committee, to which several members agreed. Another SC member stated that he would err on the side of full public disclosure, the subcommittees will be held to a lesser standard, since it is a less formal (final) setting. Another member added that the subcommittees need some flexibility to spread tasks out among members. When information comes to the SC level, it will be in writing and immediately available to the public attending the meeting. Soon thereafter it will be posted. The subcommittees by their nature may function differently. Someone added that a document from the subcommittee to the SC is, by its nature, OK to release to the public. General agreement followed. A comment from the public questioned the availability of the documents the SC and subcommittee were working on to allow input. He further stated that the MOU directed the SC to have a process that is open and transparent "and it sure doesn't feel like it is".

There was some discussion about the behind-the-scenes website posting process. Catherine indicated that it takes some lead-time to post documents. The DNR IT staff handles all postings; she cannot post items herself. Lead-time is a few days at minimum.

A motion by Willie Lantz moved that subcommittees provide all pre-decisional documents to the Executive Committee at least five days prior to the SC meeting, allowing the Executive Committee to withhold sensitive information if it feels the necessity. Further, any document provided after the five days can be provided as a handout to the public at the meeting. Lulu seconded the motion and it carried unanimously.

A brief discussion around opening all meetings (SC and subcommittee meetings) to the public via free conference calling was the next topic. A motion and second was made. The general feeling during the discussion was that this needs more research, and in practice, it is usually difficult for callers to hear the discussion. **It was agreed that this idea be tabled.**

Operational Advice to the Subcommittees:
The next part of the discussion focused on the advice from the SC to the subcommittees. Several questions surfaced about who would actually do the subcommittee work, and it was agreed that staff assigned to each group would do the bulk of the work. The SC was in agreement that each subcommittee would advertise meeting times, dates and locations, post an agenda, and allow time for public comment at the end of the meeting. **Bob Browning motioned, John Forman seconded and the motion carried unanimously.** The next part of the discussion focused on minutes, (see the chart). The minutes could be the report. With a motion on the table, discussion continued with concerns about requiring a report, much less a written one. Subcommittee reports are essentially pre-decisional documents of the SC. It remains desirable to have as many documents up on the website prior to the SC meeting. Pete moved to keep the operation of the subcommittees simple, leave it up to the chair of the subcommittee. The problem statements, the goals and the objectives need to be clearly stated. Everything else in between is the work of the subcommittee. Let the public come to the SC meetings to hear the subcommittee reports, along with the rest of the SC members. Make copies of the reports available to the public as handouts. The motion was seconded by Steve, and after additional discussion, the motion failed. In summary, the next chart shows what the SC decided about making SC meetings more open, as well as the SC operational advice provided to the subcommittees. The enhancements to the OMA requirements and current SC meeting practices are indicated in RED.

Meeting Practice	OMA	cSC	Subcom
Advertise meeting times, dates and locations	XXX	XXX	XXX
Post Agenda prior to the meeting		XXX	XXX
Schedule agenda time for the public to speak		XXX	XXX
Post Draft Minutes on web		XXX	reports
Post Approved Minutes on web	XXX	XXX	
Post pre-decisional and deliberative documents on web		XXX	
Post presentations on web prior to meeting		XXX	
Distribute presentations and other handouts to members of the public in attendance		XXX	
Distribute pre-decisional and deliberative documents to members of the public in attendance		XXX	
Open meetings to the public by free Internet			

Conference Call			

Updates:
David moved quickly to cover the items under this agenda section.

Forest Stewardship
Deborah Carpenter reported Chuck Hoffeditz had proposed cooperation between the county, DNR and the Forestry Board particularly in the area of forest management.   The Forestry Board would like to contact all property owners with 10 or more acres of forestry cover and encourage them to institute a Forest Stewardship Plan. A database of those property owners in the watershed with 10 or more acres of land area was created resulting in 497 entries. It was further refined by DNR to those properties with 10 or more acres of forest cover which brought the number down to 356 records. Additional prioritization will take place since this is still a huge number of contacts to be made. The prioritization will consider where a Forest Stewardship Plan will have the greatest effect on water quality in the watershed. Tracking the progress of this work would fall under the auspices of the Water Quality subcommittee. See the DNR Forestry Stewardship website for more information on that program.

The organizing of our documents
Pete Versteegen volunteered to help us further organize our documents, and he recommends using a document management system, DMS, that would be available to everyone. See Pete's presentation on the DNR webpage at http://www.dnr.state.md.us/deepcreekwatershedplan/ . Pete is in the process of researching this now, and is looking for ideas for categories of documents, such as the subcommittees, minutes, agendas, etc. Pete would like feedback on the kind of searching that the SC does, as well as keywords. Suggestions can be emailed to Pete. He will try a few of them out to see what will best fit our needs, and make a recommendation to the SC.

Website news and DNR updates
Catherine Shanks asked if everyone is getting the emails to announce document updates, and it seems everyone is. She also pointed out that she had copies of the "User's Guide to Watershed Planning in Maryland" printed for the SC, as well as a disk of the downloadable tools for the members and staff of the SC. She suggested that these would become valuables resource as the subcommittees become more involved in the work they are undertaking.

Christine Conn announced that the Deep Creek Lake watershed characterization documents are in the works. This is the background info and the historical trends that DNR has recorded. The DNR resource experts have written this material and will be available for subcommittees to use during their data review. The draft chapters will be on the DNR DCL webpage at http://www.dnr.state.md.us/deepcreekwatershedplan/ . Since the work is a DNR product, the documents will also contain recommendations from DNR on their resource concerns. Some that are available now include Fisheries, Forest Resources, Geology and Soils, Resident Geese and their impacts, and Wildlife and Rare Species Habitat. Take a look at this information as it applies to the work of your subcommittee. Other reports are coming soon and will be announced.

Catherine Shanks also provided an update on a conversation she had with representatives of the University of Maryland Environmental Finance Center (EFC). They would be willing to help develop a financing plan and present at one of our SC meetings. Catherine also noted that there

would be a cost for their services regarding the financing plan. David talked to Joann Throwe of the EFC, and endorses the idea of having EFC make a presentation.

There were no other updates from staff or from SC members.

Public Comments:

David asked for comments from the public and there were two speakers.

First Barbara Beelar commented on the Ag presentation of last month. Willie's presentation was an excellent overview, the reality is that there is not always funding for all of the Best Management Practices. Also, there are issues of compliance with the Nutrient Management Plans. The enforcement is not in place. Friends of Deep Creek Lake has questioned who is in compliance but due to the secretive nature of the ag business practices, they could not find out. It is worth the time of the SC to have another review of agriculture, and to look at the realities, the barriers that will limit the effectiveness of the Ag land uses and BMP's. There remains resistance to citizens crossing agricultural lands for water sampling, for example. Those issues still need to be addressed. Not all farmers in Garrett County are struggling working farmers. Some are out-of-town gentlemen farmers, and we need to understand the differences.

Ellen Williams applauds the efforts of the SC to open the process to the public. As a member of one of the subcommittees, she recognizes the need to walk the fine line. Regarding the tabling of the conference calling option for subcommittee meetings, she noted that as a member of one of the subcommittees, she will be out of Garrett County for a good part of the winter but still wants to participate.

David thanked the speakers and asked if there were any other comments. Seeing none, he called for a motion to adjourn. Bob Browning motioned with a second from Bob Hoffmann.