

BOARD OF GARRETT COUNTY COMMISSIONERS
ADMINISTRATIVE SESSION
March 25, 2014

IN ATTENDANCE

Chairman Robert G. Gatto
Commissioner Gregan T. Crawford
Commissioner James M. Raley

County Administrator R. Lamont Pagenhardt

Note: (Michael Koch, Executive Director, Department of Community Planning and Development was in attendance and participated in sessions 1 to 8.)

1. Friends of Deep Creek Lake (FoDCL) requested time with the Board of County Commissioners to discuss the State of Maryland Department of Natural Resources (DNR) discussion at the Deep Creek Lake Policy and Review Board (PRB) meeting on March 20, 2014. In attendance for this session were David Myerberg, Chairman of the PRB and Robert Hoffmann, President of the Deep Creek Lake Property Owners Association (POA). DNR has identified \$200,000 but an additional \$130,000 is still needed to adequately fund the implementation.

The major topic at the March 20, 2014 PRB Meeting was funding for the hydrilla treatment control program. DNR Secretary Joseph Gill had written the Board of County Commissioners and formally requested financial support for this purpose which was also communicated to the PRB at their March 20 meeting. (Letter from Secretary Gill is attached to these administrative meeting minutes as **Exhibit 1**).

Mr. Hoffmann voiced the POA's disagreement with the position taken by FoDCL and spoke in support of the direction that DNR has taken on this matter and stated that the POA does not view this as a crisis as presented on this date by FoDCL. Mr. Hoffmann stressed the requirement for working cooperatively with DNR and expanded on the Memorandum of Understanding executed by the DNR and the Board of County Commissioners whereby a strong commitment and agreement was made to develop a lake management plan. It was also agreed to by all parties in attendance that the County must be very cognizant of a strong partnership with DNR and the serious impact the invasion of the hydrilla may have on real property tax revenue and tourism value.

Commissioner Crawford stated that the County should monitor the final State budget approval and be prepared to partner on funding and just as importantly align the County with the public relations and awareness campaign. This matter will be taken under continued advisement.

2. The Board of County Commissioners reviewed the Adventure Sports Center International (ASCI)/Wisp sales and marketing partnership agreement. This issue had been presented earlier to the Board by Mr. Pagenhardt and Scott Weeks, Director, Department of Financial Services. Mr. Weeks was in attendance for this session and updated the Board on final conditions and terms to proceed with implementation.

3. Mr. Pagenhardt and Mr. Weeks updated the Board of County Commissioners on the Garrett County Employees Health Care Coalition and a number of employee health care benefit matters. Mr. Pagenhardt also voiced frustration expressed to him by members of the Coalition from the County and College as it pertained to the position Board of Education representatives have taken. Mr. Pagenhardt and Mr. Weeks will be meeting with Board of Education staff on March 26, 2014 to discuss a number of financial and operational issues and then with the County Attorney on these matters.
4. The Board of County Commissioners discussed points to be included in a draft agenda for Board of County Commissioners/Board of Education Open Conversation Meeting that is proposed for March 31, 2014. Chairman Gatto will be meeting with Board of Education President Thomas Carr to finalize a draft agenda for this public forum.
5. The Board of County Commissioners reviewed a letter from the Garrett County Board of Realtors that was addressed to Mr. Koch relative to the development of Marcellus Shale gas resource in Garrett County. Copy of letter is attached as **Exhibit 2**. The Board will meet with the Board of Realtors on April 2, 2014 and this letter will be shared with the Mountain Maryland Energy Advisory Commission and the Garrett County Marcellus Shale Natural Gas Advisory Committee.
6. The Board of County Commissioners reviewed Exelon Deed of Easements for the Fair Wind Power Partners, LLC. Patrick Hudnall, Division Chief – Administration and Environment, Department of Public Works was in attendance and briefed the Board of this matter. Commissioner Crawford stated that there had been no public disclosure of the project (size, scope, timeline for completion) by Exelon and he requested that the Board present this for a public discussion. Chairman Gatto and Commissioner Raley agreed and directed Mr. Pagenhardt to contact Exelon with this decision.
7. Commissioner Crawford requested that the Board of County Commissioners review HB861 – Agriculture – Easements – Renewable Energy Generation Facilities.
8. Mr. Pagenhardt reviewed a number of administrative and managerial issues under his jurisdiction and responsibility.
9. The Board of County Commissioners attended an athletic assembly at Southern Garrett High School that honored the State Champion Girls Basketball Team and wrestler Austin Shaffer.

Attest:

By Order of the Board,

 R. Lamont Pagenhardt,
 County Administrator

 Robert G. Gatto, Chairman
 Board of County Commissioners

 Date

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson, III, Secretary

March 24, 2014

Mr. Robert G. Gatto, Chairman
Board of Commissioners
203 South Fourth Street, Room 207
Oakland, MD 21550

Dear Chairman Gatto:

In follow-up to the dialogue at the Deep Creek Lake Policy and Review Board (PRB) meeting last week, the Department of Natural Resources (DNR) would like to formally request the engagement and financial support of the Garrett County Commissioners in the protection of Deep Creek Lake (DCL) from the impacts of the noxious aquatic plant, *Hydrilla*.

As you are aware, DNR staff located and identified *Hydrilla verticillata* in Deep Creek Lake (DCL) in September 2013. This is the first known identification of *Hydrilla* in DCL and is the direct result of DNR's long-term comprehensive DCL water quality and SAV monitoring program. DNR is moving to immediately address this concern during the upcoming growing season.

Hydrilla is a listed noxious weed pursuant to the Federal Noxious Weed Act. *Hydrilla* has the potential to reduce the diversity of native plant communities, which leads to reduction in the diversity of both fishes and aquatic insects, and can also have an adverse impact on water resources, by producing dense surface canopies that interfere with water flow, boat traffic and fishing.

In late fall and early winter, DNR convened a panel of *Hydrilla* experts from around the country, to provide the best scientific knowledge and experience on how to address *Hydrilla* in DCL. DNR also evaluated all possible *Hydrilla* control strategies including lake drawdown, mechanical harvesting, biological, chemical and no action. It was the consensus of the expert panel that chemical control through the use of multiple herbicides would provide the best and most cost effective strategy.

Three chemical control strategies were assessed based on the area of coverage and ranged from approximately \$190,000 for minimal coverage, \$330,000 for targeted and complete coverage of identified areas, and to over \$1,000,000 for a broader scale block treatment. The \$1,000,000 strategy would potentially have a more negative impact to aquatic resources and a larger impact on recreational activities, and was not recommended for implementation. The \$330,000 chemical control strategy will provide complete coverage of targeted areas and balance the needs of other aquatic life, fish, insects and native plants and recreational uses, swimming, fishing and boating and is the preferred alternative at this point in time, regardless of cost. DNR has identified \$200,000, but still needs \$130,000 to adequately fund the implementation.

DNR will use three herbicides that have produced successful results in projects conducted by our expert panel. Fluridone (Trade name SonarOne™) will be used for the majority of the block treatments. Block treatment covers large areas and would continue through the summer so that plants emerging from the sediment would immediately uptake the herbicide and destroy the plants from within the vascular tissue. It is a slow process that requires the proper amount of herbicide to be effective. It is absorbed by plant shoots and from hydrosol by the roots. *Hydrilla* is very sensitive to low doses of fluridone, native plants are less sensitive, so the total community impact will be lower. DNR will follow up the block treatments with spot treatments using 2 other chemicals. Diquat (Trade name Reward™) is a non-volatile herbicidal chemical for use in aquatic areas. Absorption is quite rapid with visible effects in a few days. Flumioxazin (Trade name Clipper™) is a broad spectrum herbicide for control of invasive and noxious weeds in water bodies with limited outflow.

Building on our successful partnership in directing and funding other Lake studies and in development of a watershed management plan, DNR requests that the Garrett County Government work with DNR to address the *Hydrilla* issue and provide funding in the amount of \$130,000. By working together to implement the proposed *Hydrilla* control strategy, *Hydrilla* and its impact to DCL can be managed. Bruce Michael, DNR's Director of Resource Assessment Service has briefed the DCL Property Owners Association Board of the control strategy and the need for additional funding. The Board might be willing to help with the funding if requested. I would suggest the easiest way for the County to provide the funding would simply be for DNR to reduce its required payment to the County by the agreed-upon amount; a letter from the Board of Commissioners would be sufficient to codify any funding adjustment. Mark Hoffman, my Assistant Secretary for Mission Support, who presented at the PRB, is the point person for any financial arrangements.

If the Commissioners agree to provide funding to support the effort or have any questions, please contact me or Bruce Michael (410 260-8627; bmichael@dnr.state.md.us).

Thank you for your continuing partnership and consideration of this request.

Sincerely,
Joseph P. Gill
Secretary

cc: The Honorable George C. Edwards
The Honorable Wendell R. Beitzel
Mr. R. Lamont Pagenhardt, County Administrator
Dr. David Z. Myerberg, Chair, PRB
Mr. Robert Hoffmann, President, Deep Creek Lake Property Owners Association
Dr. Bruce Michael, Director, Resource Assessment Service, DNR
Mr. Mark L. Hoffman, Assistant Secretary, Mission Support, DNR



GARRETT COUNTY BOARD of REALTORS® , INC.

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March 17, 2014

Michael Koch
Garrett County Community Planning & Development
Frederick A. Thayer, III Courthouse
203 South Fourth Street
Oakland, Maryland 21550

Subject: Marcellus Shale Gas Development

Dear Mr. Koch,

The Garrett County Board of REALTORS® has been closely following the issue of the development of the Marcellus Shale gas resource in Garrett County. Our involvement includes participation in a number of community forums and committees, monitoring the work of the state's Marcellus Shale Safe Drilling Initiative, and additional research in areas where gas drilling might have an effect on the real estate industry.

Recently, the National Association of REALTORS® alerted its membership about some recent research on the negative effects of gas development on property values. When we looked further into the issue we discovered that, although gas development will mean economic gain to some sectors of our local economy, there are certain risks associated with gas development. One of those risks is a diminution of property value for properties in close proximity to gas wells and related midstream infrastructure. This is particularly important in our county where much of our local services and county budget depend on a stable property tax base.

In our conversations with the Maryland Department of the Environment, we have learned that our community should not expect the state to regulate all of the impacts associated with gas development. Some of the areas that have already been identified as local regulatory issues include the effect of the industry on roads, local small towns and communities, noise, vistas and tourism. We call these areas "regulatory gaps" to which we believe our local government will need to respond.

Our local officials have been actively promoting shale gas development in Garrett County for a number of years. However, there has been a reluctance to couple that promotional effort with the important local regulatory planning that is needed to properly manage the negative effects of the issue.

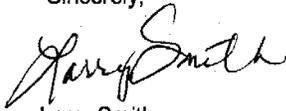
The Garrett County Economic Development Strategic Plan (FEB 2011) calls for "responsibly developing Marcellus shale natural gas" along with "a specific plan to phase-in countywide zoning." This vision demonstrates the inherent relationship between developing the gas resource and the necessity for local regulation. Our Board recently took the following public policy position with regard to this matter.

Garrett County government and our elected representatives should not promote or endorse shale gas development, nor should it occur, until the effects of shale gas development are evaluated and an effective local government regulatory framework is put in place to protect the rights of property owners and the investments they have made.

Please note that our Board is not advocating that the gas resource not be developed, only that it not occur until an effective local regulatory framework is in place. We recommend that Garrett County government immediately engage its departments and committees to initiate the processes needed to move forward in this area.

We look forward to further discussions with you on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Smith". The signature is written in a cursive style with a large initial "L".

Larry Smith
President