

GARRETT COUNTY PLANNING AND ZONING OFFICE

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YOUGHIOGHENY RIVER ADVISORY BOARD

The first meeting of the Youghiogheny River Advisory Board was called to order on December 16, 1997 at 7:00 p.m. in the Planning Commission meeting room. Board members present included: Shaun Sanders, Rusty Thomas, Roger Zabel, Phil Frantz, Jerry Thayer, Saul McCartney, Don Sebold and Asa McCain. Other persons attending the meeting from DNR staff included: Paul Durham, Mark Spencer, Neil Welch, Chris Anderson, Patty Manown, Ed Golden, Pam Anderson, Gary Yoder and Ken Pavol. John Nelson of the County Planning Office was also present. Other interested citizens attending the meeting included: Dave Moe, Cindy Stacy, Jean Frantz, Harold Harsh and Allen Noland.

The first order of business entailed an election of officers for the Board. Nominations for Chairman were made for Don Sebold and Phil Frantz. Don Sebold was elected Chairman by a 6 to 2 vote. Nominations for Vice-Chairman were then opened with Phil Frantz being the only nominee. By unanimous vote, Phil Frantz was elected Vice-Chairman. Nominations for Recording Secretary then opened with John Nelson being nominated. The nomination was modified to include DNR staff in sharing responsibility as Recording Secretary. By unanimous vote the Board appointed County Staff and DNR Staff to share the position of Recording Secretary.

The next order of business entailed the establishment of rules of procedure for the Board. Following discussion on various operating procedures, Phil Frantz made a motion that the following rules be established for routine meetings:

1. A quorum of the Board shall consist of seven members
2. Any member missing two consecutive meeting will be asked to resign.
3. The meeting will last a maximum of two hours. (7:00 p.m. to 9:00 p.m.)
4. The Board will meet not less than two times per year on the second Thursday of the month of May and November at Garrett Community College. If the Board is evaluating specific issues and additional meetings are required they will meet monthly on the second Thursday.
5. Public in-put will be allowed during the first 10 minutes and the last 10 minutes of any meeting at the discretion of the Chairman.
6. A simple majority vote will be needed to pass on any issue before the Board with the Chairman voting only if necessary to break a tie.
7. All issues will be voted upon by the Board.

The Board approved these procedures by a unanimous vote.

The next order of business entailed a briefing by Mark Spencer on a proposal to amend the Youghiogheny Wild River regulations to allow commercial guide service for fishing within certain portions of the Youghiogheny Wild and Scenic Corridor. Currently a guide service has been operating within the corridor providing float fishing opportunities and wade-in opportunities on private properties with permission. This guide service has been brought to the attention of the Department and a request for opinion from the Assistant Attorney General's Office has

determined that the regulations are not clear and do not provide for specific rights to allow this type of activity within the Corridor. It is the intent of the Department to present a proposal to the Board to revise the existing regulations to address the use of commercial guide service to determine where and if such activities should be permitted within the corridor. Mr. Spencer outlined a scenario whereby the Board would be presented draft commercial fishing proposals by an adhoc committee assigned by the Secretary of DNR to develop specific language in the regulations. The adhoc committee would include at least two members of the Advisory Board, a member from the Promotion Council, a member from local government, a representative of the fishing guide service and others. This Committee would report back to the Advisory Board not less than three times in order to get a recommendation on the proposed draft. At this time various members of the Board expressed their opinions on future commercial use of the Youghiogheny Corridor. Don Sebold expressed his position that the Wild River regulations have placed many restrictions on property owners within the corridor and that in return commercial operations should be restricted in order to protect his enjoyment of his property from others. Rusty Thomas expressed his concurrence with Mr. Sebold's position and indicated that the outfitters will be very competitive and will have to be productive in order to maintain their clients. Roger Zabel indicated his belief that commercial operations should be strictly limited within the corridor and that fishing services should perhaps be limited to the existing commercial outfitters on the Whitewater portion of the river.

At this point Gary Yoder was asked to explain the fishing initiative which the DNR has undertaken within Garrett County for trout fly fishing opportunities. Gary explained that the Department is attempting to define a market for the fly-fishing enthusiasts to travel to Garrett County and experience fishing opportunities on several different type of rivers. Specifically, the Department is developing a program of catch and release on four rivers including: Youghiogheny River, Savage River, Casselman River and the North Branch of the Potomac River. Each river will provide a different style and character to the fishing opportunities and it is hoped that this mix will create a new economic opportunity for the County. Stocking programs and specific stream opening and closure dates will be a part of this initiative. The Spring Creek Outfitters Company will be an important part of this fishing initiative as will the development of other guide services within the County. Spring Creek has already been operating within the Youghiogheny corridor with the permission of land owners and with the assumption that no specific regulations were being violated and that this activity would cause no disruption to other private property owners. Allen Noland and Harold Harsh of Spring Creek Outfitters explained that they typically have one or two clients at a time which they guide along the river either by floating or wading at previously approved points of access. Very little impact to the enjoyment of the stream by others is caused by this guide service and they believe that no specific regulations are being violated so long as the point of access has been authorized by the land owner.

Ken Pavol explained that the fishing opportunities should dramatically improve as a result of improved fish habitat on the Yough. This information results from the scheduled releases at the Deep Creek Power Plant which serves to lower the water temperature during critical summer periods. The cooler water improves the ability for the trout to survive these warm periods.

Mr. Phil Frantz interrupted the various staff people from DNR by insisting that the information that is being provided at this meeting should be placed in writing. Each Board member should receive a copy of the written information prior to the next meeting in order that the Board can gain a better understanding of what the fishing initiative and legal issues are regarding commercial guide service. On a motion made by Phil Frantz the Board unanimously voted to request, in writing, a summary of the fishing initiative from Gary Yoder and Ken Pavol,

a draft of the business plan from Spring Creek Outfitters and a summary of the legal issues involved from the Department's Assistant Attorney General. Pam Anderson, Assistant A.G. explained that the Board can recommend that the regulations can allow commercial guide service or that the regulations could prohibit such activities within the corridor. She did recommend, however, that the regulations should be adjusted so that it is clear whether such activities are permitted or not because the current regulations do not clearly address the issue. She also specified that commercial guide service is currently not permitted on any State Park land and that if it is the intent of the committee to allow commercial guide service in the corridor on State lands then the State regulations on state land would also have to be modified.

After further discussion on the issue of how the Board should proceed, Phil Frantz made a motion that the Yough River Advisory Board should be the "working board" to develop a draft proposal on this issue and that no separate adhoc committee should be appointed to deal with such an important and controversial issue. By unanimous vote the Board agreed to develop a proposal for draft regulations to address commercial guide fishing activities within the Yough corridor and that the Board would begin developing such a proposal at the next meeting after reviewing the written information from DNR staff. It was noted by Mr. Spencer that DNR may still appoint a separate adhoc committee to gather varying points of view. The Board concluded that their next regular meeting would be the second Thursday of March (March 12, 1998) at 7:00 p.m. in the Continuing Education Building of Garrett Community College. The Board also stipulated that the written information from DNR should be distributed to members by mid February.

There was no further business and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

John E. Nelson
Planning & Zoning Director