

# LOCAL YOUGHIOGHENY RIVER SCENIC AND WILD RIVER ADVISORY BOARD

Draft Public Meeting Minutes- March 13, 2024

## 1. Opening

- **Call to Order:** Chairman Don Sebold at 9:01 am.
- **Roll Call: Present members:** Jeff McCauley, Seth Metheny, Randy Rodeheaver (remote), Don Sebold (Chair), Roger Zbel, Siera Wigfield. Guests: Commissioner Larry Tichnell

## 2. Agenda Approval

- Motion: Roger Zbel; Seconded: Jeff McCauley; Unanimously passed.

## 3. Approval of Previous Minutes

- Siera Wigfield noted a formatting error, and a typo misspelling Roger Zbel's name needs corrected.
- Motion to adopt the Minutes as corrected: Seth Metheny; Seconded: Roger Zbel; Unanimously passed.

## 4. Public Comments

Jess Whittemore emphasized the connection between SB 837, lake issues, and this committee.

William O'Neil and Larry Shue both own land south of the Swallow Falls bridge and both expressed opposition to closing the bridge during the Swallow Falls Bridge Replacement construction.

## 5. Unfinished & New Business

1. **Discussion on the Board's advisory role and the need for clear communication from County Commissioners:** Larry Tichnell provided a statement regarding the Garrett County Commissioner's position on the role of the Advisory Board. He expressed appreciation for the Advisory Board, yet clarified that it "has no functions to perform for Garrett County. We believe the State of Maryland has a Scenic and Wild River Review Board and any recommendations concerning the Youghiogheny River should be made directly to the state board." Don Sebold underscored the Board's advisory capacity and the necessity of interfacing with corridor concerns. Suggestions for updating the 1996 Management Plan and improving relations with the Commissioners were made. (Commissioner's Statement Attached)
2. **Review draft bylaws – derived from 1986 Admin Rules:** Don Sebold tabled discussion on this topic for another meeting. (Draft bylaws attached)
3. **Membership- Soil Conservation Position:** Siera Wigfield made a motion for the Soil Conservation District Management Board to send a recommendation to the County Commissioners to replace Willie Lantz on the Local Yough Advisory Board. Seconded: Seth Metheny; Unanimously passed.
4. **Swallow Falls Bridge Replacement Hearing for Judicial Review by Judge Finan will be on April 2nd & 3rd at the Garrett County Courthouse at 9am :** Don Sebold noted the hearing is now only scheduled for one day.
5. **Oakland to Herrington Manor State Park Feasibility Study Project Update:** Siera Wigfield provided an update to this project. A Bikeways Grant was successfully awarded, and a grant agreement has been signed. She is awaiting ARC funding to provide the project match and hopes to kick off the project in early Summer 2024. The Board will be notified about the project.
6. **Garrett County Active and Alternative Transportation Master Plan Congressional Funding Request:** Siera Wigfield explained this is her project. There is not a County adopted trails plan, and this project

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would take an inventory of the existing, water, bike, and ORV trails and receive input from stakeholders to create a map of proposed active transportation networks at the local and regional levels. She expects if she is granted congressional funding, it would be 2-3 years before a project would begin. Rodger Zbel suggested clearing down trees and improving an existing foot path on State land in the Corridor to improve emergency response to rafting incidents.

- 7. **Discussion of Maryland SB0837 (HB0910) Deep Creek Lake - Lower Lake Levels - Requirement and Impact Study:** Jess Whittemore shared a letter from the Town of Friendsville opposing the bill. Concerns were raised about the lack of communication with the local community prior to the bills' proposal.

**6. Next Meeting**

- **Schedule the next meeting for April 18, 2024, at 9:00 am, in the Garrett County Public Meeting Room.**
- **Topics:** Board members' suggestions for specific management plan updates.

**7. Additional Public Comments**

- Suggestions to put in warning signage around the 88 Bridge for recreational boaters, and day float tourists to provide warnings about falls and rapids.

**8. Adjournment**

- The motion to adjourn was made by Siera Wigfield and seconded by Randy Rodeheaver at 10:50 am.

**Minutes Submitted by:** Siera Wigfield, Senior Planner, Garrett County Government

The Garrett County Youghiogheny River Advisory Board was established in accordance with the Scenic and Wild Rivers Review Board, §8-403 (b) (3) *Appoint, with the advice and consent of the appropriate local governing body, a local scenic and wild river advisory board for each river that is included in the Scenic and Wild Rivers Program.*

Upon approval of the Scenic and Wild Rivers Management Plan in 1996 the then Board of County Commissioners chose to leave the Youghiogheny River Advisory Board in place as permitted in the Act. Further, §8-403 (g) (1) *Each board, as constituted by the local authority, may recommend policies, laws, and regulations in furtherance of the aims of this subtitle to the appropriate local governing body.*

The Youghiogheny River Advisory Board did not meet until the replacement of the Swallow Falls Bridge became an issue. After a public meeting, conducted by DNR there was a request for the Youghiogheny River Advisory Board to convene. The Advisory Board met and made a recommendation to the Board of County Commissioners.

The question now is what function does the Youghiogheny River Advisory Board perform? The Board has no functions to perform for Garrett County. We believe the State of Maryland has a Scenic and Wild Review Board and any recommendation concerning the Youghiogheny River should be made directly to the state board.

*Mayor and Town Council  
Town of Friendsville  
Founded 1765*

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February 19, 2024

Dear Education, Energy, and Environmental Committee,

Good afternoon, Mr. Chairman and members of the committee thank you for this opportunity. On behalf of the Town Council and myself the Town of Friendsville is against the passage of SB 837. Friendsville would appreciate an unfavorable committee vote on this bill for the following reasons:

The Town of Friendsville believes that if SB 837 is passed it will negatively impact the hydroelectric dam's (Brookfield) permit requirements resulting in potentially jeopardizing whitewater dam releases. This risk would considerably increase in the instance of a drought spring occurrence or if a Dam service repair issue arises, both of which have occurred in the last few decades. Friendsville has strong social and economic bonds to their annual sixty-six scheduled whitewater dam release days and thus would be against this bill passage.

The Deep Creek Lake Watershed Foundation (Foundation) is considered an equal shareholder among Deep Creek Lake Stakeholders under MDE's Permit considerations. When a permit impact is desired, the request must go through MDE where they determine if it has merit and if so, they request comment from all DCL stakeholders. The Foundation requested an MDE review for their permit impacting study without credible scientific evidence. According to conversation on February 16, 2024, with stand in director of MDE Water Suply Robert Peoples, MDE looked at their request and couldn't find sufficient scientific evidence to support their plan to perform such a Permit impacting study, thus the request was denied. Instead of resubmitting its request to MDE with more creditable evidence included, it appears that the Foundation circumvented MDE and solicited local politicians to intervene. This resulted in the creation of SB 837 without full DCL stakeholder participation or consideration, including the Town of Friendsville.

Friendsville found out about this bill just days ago February 13, 2024, when a warning went out to Friendsville economic River Liaison Jess Whittemore from Brookfield via e-mail and subsequent phone conversations. Mr. Whittemore called Robert Peoples at MDE to verify that what Brookfield was saying was accurate. Robert Peoples said that Brookfield's statement in the e-mail was accurate; "If the Senate Bill is passed, this will impact the requirements of our permit, including but not limited to jeopardizing whitewater releases."

The Town of Friendsville is disappointed that we were not included in discussions leading up to this potentially damaging SB 837, it circumvents the proper, lawful, and thorough MDE process of Dam Permit impact review and stakeholder involvement. The Town of Friendsville is against SB 837 passage and looks forward to helping out in the respectful confines of MDE's, DCL stakeholder negotiation as we expect.

Sincerely,

Spencer R Schlosnagle  
Mayor

Cc:  
Senator McKay,  
Delegate Hinebaugh,  
Secretary of MDE, Serena McIlwain,  
Secretary of DNR, Josh Kurtz,  
Chairman Edwards, Garrett County Commissioners,  
Eric G. Luedtke, Chief Legislative Officer,