

GARRETT COUNTY PLANNING AND ZONING OFFICE

Old Courthouse, Rm. 307
313 E. Alder Street
Oakland, Maryland 21550
(301) 334-1920

**Youghiogheny River Advisory Board Meeting
Garrett Community College
Wednesday, June 17, 1998, 7:00 - 9:00 p.m.**

MINUTES

Board Members Present

Roger Zbel
Don Sebold
Phil Frantz
Rusty Thomas
Asa McCain
Jerry Thayer

Staff

John Nelson

Guests

Robert Morgan
Robert Sines
Arthur Coddington
Phillip Kisner
David Livengood
Fred Holliday

Board Members Absent

Jim Simms
Sull McCartney
Shaun Sanders

Call to Order - The meeting was called to order by Chairman Sebold at 7:05 p.m.

Approval of May 28, 1998 minutes - The minutes were not approved due to absence of a quorum. Don Sebold did note, however, that in his discussion at the last meeting on buffers, he did not necessarily imply that a 100 ft. buffer should be established for activities on all public lands.

Public Comment - None

Board Discussion - Chairman Sebold explained that the purpose of the meeting was to prepare a list of comments regarding the Board's position on the draft regulations prepared by Ms. Pam Anderson of DNR. Don thought it would be best to proceed by evaluating each specific proposal as it appears in the draft regulations. Considerable philosophical discussion among the Board members ensued regarding whether commercial guide service should be allowed in the corridor, whether there should be a 100-foot buffer along the river and whether the State should purchase a 100-ft. buffer or negotiate an easement along the river. After considerable debate on these issues, Phil

This meeting was called as a work session and a quorum of the Board was not present. Therefore the business conducted was not official and any action taken was not an official action of the Board.

Correction -

Frantz suggested that the Board should focus on the issue of whether or not the Board should support or reject commercial guide services and that once the Board has made a decision on this issue it would be much easier to proceed in making decisions on individual amendment proposals. As a result of this suggestion the members present voted by a five to one decision to support the concept of regulating commercial guide services on the river. The Board concluded that if regulations were not proposed now, escalation of commercial activities may continue uncontrolled.

The following issues represent a consensus of opinions among the Board members and are formally presented as comments to the Department of Natural Resources.

ISSUES

1. There is a difference in the codification of the different sections and sub-sections between the draft regulations and the regulations promulgated and found within the Yough River Plan. The Board would like to have an explanation as to why the alphabetical and numerical outline is different between these two versions of the regulations.
2. The Board believes that additional clarification is needed to distinguish the differences between definition #2 "Activity" and definition #27 "Use"
3. The Board believes that the Youghiogheny River Plan may need to be amended to accommodate the changes to the regulations. The Board refers to Section 4 - Commercial Use on page 32 of the Development Plan and would request that the department determine whether this plan section should be altered.
4. The Board recommends that the term "or service" should be added following the term "activity" in definition #9 to read "guide service means any activity or service which involves a person, etc...."
5. The Board believes that definition #25 "structure" needs to be modified to accommodate the potential use of temporary structures or mobile structures such as buses to be included under this definition.
6. The Board questions whether it is DNR's intent to include the entire river bottom in Zone 1 under Section .04A(1). The Board felt that it may be appropriate to zone the river bottom the same as the contiguous shoreline classification.
7. In Chapter 2, Section B, the Board believes that the last phrase "in the zone within which the activities is to be conducted" should be removed from this paragraph. Section B should read "Unless otherwise provided by law or in these regulations, no commercial activities should take place on land or water within the scenic corridor except as permitted by these regulations".

8. In Chapter 02 - Section .02A the bracket following the word "before" should be removed from the draft.
9. In Chapter 02 - Section -04B the final sentence "Where possible there will be no logging within 100 ft. of the river's edge" should be deleted from the draft.
10. In Chapter 03 - Section 03A the sentence "upon receipt of any request for an exception, the department immediately shall make available a copy of the request to the Youghiogheny River Local Advisory Boards for review and recommendation to the department" should be left in the existing regulations.

The Board authorized John Nelson to prepare the above list of issue and forward the comments to the DNR for their consideration and response at the next meeting on July 9, 1998.

Following the Board's discussion of these issues, Don Sebold once again opened the floor for public comment. Mr. David Livengood expressed his concerns that guide services will add additional fishing pressure on the river resources. Mr. Livengood currently enjoys fishing on the river with a feeling of solitude and believes that commercial guide service will encourage far greater numbers of individuals to use the river.

Robert Sines also commented upon the acquisition of properties within the corridor and indicated that the State is still pursuing purchases of private properties and that very recently Mr. Dick Coddington had sold his property for a sizeable consideration.

There was no further comments offered by the public and there was no further business and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

John E. Nelson