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Accountability, Agency Coordination and Public Understanding Sub-Committee

Subcommittee members: *Steering Committee members (SC), Citizen (C), State Gov(SG) County Gov (CG)*

Barbara Beelar – C
Deborah Carpenter – CG
Ken Fisher – C
Lulu Gonella (Chair) - SC
David Myerberg – SC
John Nelson – CG (*Retired*); C
Eric Null – SG
Paul Weiler – C
Ellen Williams - C

Staff Support

Carrie Decker –DNR
Catherine Shanks - DNR

Subcommittee Summary

The Subcommittee held its first meeting on December 17, 2013 and met 7 times through April 25, 2014. The group was charged with addressing the concerns expressed by both the Steering Committee and the public and as described in the “problem statements” on governance and public engagement and education. Their initial work focused on defining governance structures and identified five categories of options for consideration. Those options are presented following the Problem Statements on governance. In addition, the subcommittee considered broad approaches addressing education and outreach needs within the watershed for residents, visitors, and local and State policy makers. Additional strategies may be needed following the completion of the work of the other 3 subcommittees. The following goals, objectives and strategies are presented to the Steering Committee for their consideration for inclusion in the Watershed Plan.

Problem Statements regarding accountability, agency coordination and lake management responsibility

- Citizens expressed a lack of understanding, clarity and accountability regarding who/what agency is responsible for different management actions on and around the lake and in the watershed.

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- Citizens also felt the agencies are not working together in a coordinated fashion and a localized management authority is needed.

Setting the Stage for a Proposed Governance Structure

In August 2013 Garrett County and the State of Maryland's DNR signed an MOU to create a Watershed Management Plan for the Deep Creek Watershed (DCW). There is recognition by the public, various interest groups as well as Garrett County and Department of Natural Resources (DNR) that the management structure that has existed since the State purchased the lake in 2000 is in need of enhancement. The task of this subcommittee is to propose a governance structure for the DCW which will detail how the State (including DNR, Maryland Department of the Environment (MDE), the Soil Conservation District and other related departments), the County, and private citizen groups will work to manage the DCW. Management includes but is not limited to protecting the resources of the lake and watershed, implementing restoration programs as needed with an aging lake, performing testing of the environment including water quality, implementing appropriate land use policies, ensuring recreation opportunities, providing education to residents, businesses and visitors and, of course, enforcement of these policies.

Current State: DNR is the designated State agency with authority over the DCW. DNR is granted that authority by the State which owns Deep Creek Lake (DCL) and is responsible for the stewardship and sustainability of the waters in Maryland. MDE has the authority and responsibility to manage the lake water levels and those waters that flow into the Youghiogeny River. Garrett County has authority and responsibility for land use beyond the DCL buffer strip and conservation easement that surrounds DCL as well as for providing public services in the county. The Policy Review Board (PRB) serves to advise the Secretary of DNR on issues related to the lake. The PRB has no authority. It is simply an advisory group.

The Deep Creek Lake Recreation and Land Use Plan from 2001 and the 2008 Garrett County Comprehensive Plan are two documents that were created with similar goals; to ensure responsible use and protection of the Watershed. Unfortunately, the detailed recommendations within these plans were not effectively implemented. The goal of this Sub-Committee is to propose a governance structure where clear accountability for completing the tasks, executing programs and implementing all components of the Deep Creek Watershed Management Plan (DCWMP) is defined and the parties involved are committed to their goal attainment. Demonstrated commitment will include providing necessary resources (staff expertise and funding) to reach goals as well as coordinating with and collaborating with other parties, both public and private. This also includes reporting back the status and results of activities through defined feedback mechanisms and being responsible for those results by creating remediation programs, if necessary.

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As with many combined public and private spaces, economic and political realities create conflicts for precious economic resources. The DCW, specifically the lake, receives some direct funding from the State and many indirect services through the resources and experts from various State and regional offices and programs. DNR receives recreational related user fees which are applied to manage the lake. The State has also paid for distinct programs related to water quality and sedimentation over the years. However, there is no dedicated revenue stream to the lake or the watershed beyond the recreation user fees collected annually, 25% of which are provided to the County as required by State law enacted at the time of the State purchase of the lake. The County receives property taxes from residents. Based on the property values on and near DCL, individual County taxes can be extremely high. The money collected goes into the County general fund and is not earmarked for watershed or lake investment. Clearly there is a need for increased dedicated funding for watershed management. With the economic challenges that State and County governments have experienced for the past 6 years, there is resistance on the part of the State and County to commit to developing a revenue stream greater than already provided. It is critical that this funding problem is resolved if the DCWMP is going to be implemented successfully.

Elected officials in Western Maryland have a difficult line to walk to balance the interests of the lake property owners with the interests of businesses and residents in the rest of the county. All watershed property owners contribute around 55% of the property tax revenues and 33% of the total County budget revenues. The watershed's second homeowners contribute approximately 49% of the real estate taxes and 29-39% of the total County annual budget revenues. (Source, Logan Marks, Garrett County Economic Development office). This analysis emphasizes that the majority of the property owners in the watershed do not vote in the county, as Garrett County is not their primary residence. While the lake property tax revenue is critical economically, the lake owners lack political influence to hold elected officials accountable for watershed management. The management structure proposed by the subcommittee establishes a coordination and accountability mechanism established through a formal agreement and linked to commitments, responsibilities, funding, and attendant authority as outlined in a formal agreement

The proposed structure does not usurp the current authority of any of the agencies. Instead it considers that established authority in order to assign responsibility and accountability for certain components of the Watershed Plan.

Governance Options

The subcommittee discussed the five categories of governance structures listed below. A discussion paper was developed and can be found in appendix (?) that includes examples

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from across the country where similar structures are in place. From the beginning, both the subcommittee and the Steering Committee agreed that the *Do Nothing Option* was not an acceptable option. The subcommittee also considered combinations of the following options in developing their recommendation. The options discussed and considered that provide the foundation for the final recommendation are:

1. **Do Nothing Option:** Maintain current structure, funding and staffing
2. **Augment the Current Governance:**
 - A. Add staffing to the State and County who are focused on Deep Creek Lake and its watershed management issues
 - B. Augment and expand responsibilities for the Deep Creek Lake Policy and Review Board {aka PRB} to include advisory to the County Commissioners.

3. **Sign a Cooperative Agreement**

The agreement would identify and establish a long term approach for cooperative management of the lake and its watershed among the signatory entities. Current authorities would be retained by all signatories but a commitment for action can be defined in the agreement, through annual work plans or longer term action plans. (An agreement could be combined with other options as well)

4. **Establish or augment an existing 501c3-Non-Profit**

A non-profit organization could be responsible for education programs, monitoring, restoration actions and coordinating among responsible parties. Non-profits can also raise funds and receive grants for certain types of work. Two formats could be considered:

- A. Non-profit independent of a homeowners association
- B. Non-profit organized and managed by homeowners as an HOA

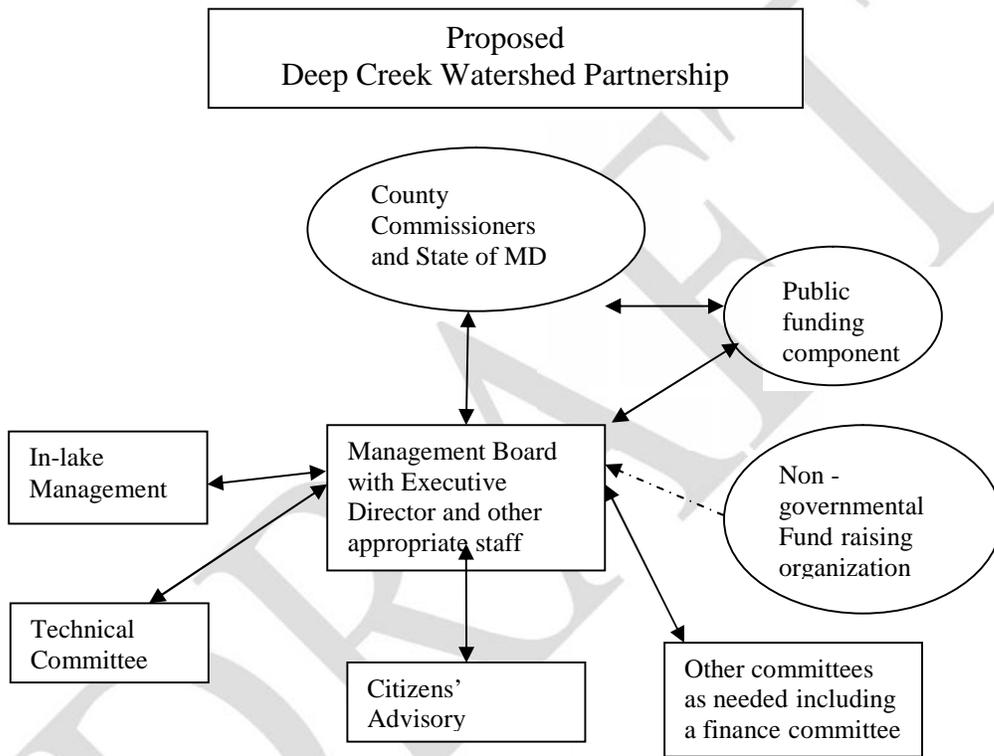
5. **Create a Watershed District Authority**

This structure would establish an independent governmental entity but would require legislative action

After much consideration, the subcommittee agreed that a cooperative agreement must be a component of the process to establish the partnership, roles and accountability structure. The structure would include a hierarchy for reporting and responsibility along with

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several subcommittees to cover key areas of interest including technical issues, citizen input and financing. The subcommittee also recommends the program be staffed with an Executive Director and other staff as needed to carry out the coordination and other roles assigned to the Program office. The proposed organization would replace the current Policy and Review Board. The following functional organizational chart and description of the roles for the organizational components provides a general structure for a partnership organization:



Roles of the proposed organizational components:

1. The Management Board would be responsible for providing programmatic oversight and policy guidance to the committees, consistent with the goals of the Partnership; for reviewing the technical work of the Technical Committee; and for informing the highest authority including the Secretary, Governor, Board of County Commissioners, and State Legislators of the ongoing work of the Program and implementation of the Management Plan. The Management Board acts as advisory to the County Commissioners, and the State Secretaries of Natural

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- Resources, Agriculture and the Environment in relation to their authorities and responsibilities within the Deep Creek watershed. The Board would consist of one member (or alternate) each from each of the signatory organizations and would be appointed by the organizations highest official such as chief elected official
2. The Management Board and Partnership would be staffed by an Executive Director and other staff as appropriate and funded.
 3. The Technical Committee would be responsible for day-to-day operation of the Program and for providing technical advice, recommendations, and assistance to the Committee and to the signatories of this Agreement or their designees. The Technical Committee would be a professionally staffed advisory body, working on behalf of and at the direction of the signatories or their designees. The Technical Committee would consist of one technical staff representative appointed by each signatory or his designee.
 4. The Citizen's Advisory Committee: Would report to the Management Board, and consist of local business people, citizen's and other well known and informed members of the community who have a vested interest in advancing both programs, policy and outreach to the community
 5. The Management Board may also develop subcommittees to include at a minimum, a financing subcommittee, and a community education and engagement subcommittee. Other subcommittees may be developed on an ad hoc basis as issues and needs arise.
 6. Funding would be a combination of public and private funds. Funding needs and approaches are recommended to be identified through the development of a financing strategy designed to implement both the priorities in the watershed plan as well as day to day operations for the lake and watershed management needs. Private funding can be managed through the establishment of a non-profit organization linked to the watershed partnership program.
 7. Non-profit/government fundraising organization: This arm of the overall Partnership could exist as a direct or indirect partner to the Management Board. It could be run as a 501c3 non-profit, or another type of identity that helps with outreach, education, and tax-exempt fundraising for the watershed.
 8. In-Lake Management: This group currently exists in a non-organized or structured format that meets on a regular basis. The Technical Committee may serve or work in conjunction with in-lake management issues.

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Goals Objectives and Strategies

The Subcommittee proposes the following goals, objectives and strategies designed to fulfill the vision of establishing a coordinated and cooperative approach to governance for the lake and in the watershed

Draft Goal 1 - Improve the management structure, funding, coordination and accountability of governance for the Deep Creek Watershed. (Rev 2-21-14)

Objective 1

Develop and implement a mechanism and partnership for formal coordination of activities within the watershed that ensures the protection of the lake as a natural resource, the preservation of its ecological balance, furtherance of its highest use as a recreational resource, and economic vitality, recognizing that abuse of the lake by its overuse could jeopardize its well-being. This new structure will provide oversight of the implementation of the plan, coordination between government and non-government partners, management of financial resources and communication with the public.

Strategies

<i>Lead entity(s)</i>	<i>Strategy</i>
State and County	1. By (XX date), the County and the State agencies will develop a governance structure consistent with the recommendations in the Watershed Management Plan. Assure the governance structure responds to and advises both the County and the State. (include options for reorganization and restructuring of the PRB as the organizing body.).
State and County	2. As determined under Goal 1, Objective 1, strategy 1, develop and propose State legislation with County endorsement as necessary to carry out the recommendations for the governance structure as needed
State and County	3. By (XXX date) all parties will sign an agreement designed to formalize accountability and commitment to the lake and its watershed.

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4. [Additional strategy(s) may be added here, dependant on outcomes of other sub-committees.]

Note: Final recommendations will include objectives and strategies to address governance needs emerging from other subcommittees.

Objective 2

Develop a sustainable and sufficient source of funding to implement the Watershed Plan including but not limited to addressing future needs; educational goals, objectives and programs and adequate staffing.

Strategies

*Lead
entity(s)*

Strategy

1. (By XX date) develop a financing strategy for the lake and its watershed to implement the recommendations in the Plan and carry watershed management into the future. The Financing Strategy will include a thorough analysis of future and current funding needs for the watershed and the Lake and to include options for fund raising, endowments, etc. Among other things, include staffing needs in the financing evaluation and strategy development.
2. Implement the financing strategy(s)
3. Establish a process for ongoing evaluation of the financing and funding needs.

Objective 3

Ensure necessary and sufficient staffing of all State, County and other related agencies and partners to address issues specific to the Deep Creek Watershed.

Strategies

*Lead
entity(s)*

Strategy

1. By (XX date) evaluate the needs and develop a plan to expand permanent and seasonal State and County staffing to provide adequate service to the public, management of the watershed and lake, coordination among entities and support general outreach and education

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2. Increase financial resources to allow hiring/contracting of outside resource experts on lakes and watersheds as needed. This strategy will be a component of Strategy 1 under Objective 2

Objective 4

Develop a process for improved transparency and accountability for implementation of the watershed plan and associated costs.

Strategies

<i>Lead entity(s)</i>	<i>Strategy</i>
	1. By (XX Date) create and maintain a tracking and accountability system to provide transparency for actions implementing the Plan
	2. By (XX Date) develop a mechanism for public feedback on progress or issues.(be the ears of the community)

Problem Statements regarding public understanding and participation

- Concern was expressed for the lack of participation from watershed residents as opposed to lake residents.
 - There is a lack of access to information on the lake governance as well as information on the watershed and the lake.
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Draft Goal 2 - Nurture an informed and engaged citizenry regarding the Deep Creek Watershed (Rev 2-21-14)

Objective 1

Increase direct and indirect outreach to residents, businesses and visitors regarding the quality of and impacts to the Deep Creek Watershed.

Strategies

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Lead *Strategy*
entity(s)

1. (By xx date) Develop an Outreach Plan, to potentially include a Speakers Bureau, Train the Trainer Program, etc. to increase outreach to citizens, businesses and visitors. This can be coordinated with and/or managed by local non-profits selected by the Management Board and Executive Director. The development of the Plan should be coordinated with the Deep Creek Lake State Park Discovery Center and include activities conducted both at the Discovery Center and off-site supported by the State Parks Service.

2. Implement the Outreach Plan

Note: Final list will include objectives and strategies recommended by other subcommittees to meet education and outreach needs.

Appendices
Governance Examples Discussion Paper