

**GARRETT COUNTY YOUGHIOGHENY RIVER ADVISORY BOARD**  
**Garrett Community College**  
**Wednesday, April 12, 2006 – 7:00 – 8:00 p.m.**

MINUTES

**Board Members Present**

Don Sebold  
Roger Zbel  
Asa McCain  
Rusty Thomas  
Jeremy Thayer  
Jim Simms  
Jim Hinebaugh

**Staff**

John Nelson

**Guests**

Spencer Schlosnagle  
Thomas Fike  
Keith Fulton  
Mike Palencar  
Ron Kidd  
Steve Green  
David Baker  
Brian Friend  
John Wilson  
Ken Jasko  
Jen Fulton

**Call to Order** - The 8<sup>th</sup> meeting of the Garrett County Youghiogheny River Advisory Board was called to order by John Nelson at 7:10 p.m. Mr. Nelson introduced each member of the Advisory Board and noted that Jim Hinebaugh was just recently appointed to the Board. The Minutes of the March 8, 2005, meeting were unanimously approved as written.

Mr. Nelson explained that the purpose of the meeting was to review a proposal by the Friendsville Revitalization and Task Force to make improvements to the existing tram road leading from Friendsville to Kendall. The Department of Natural Resources had requested that the Advisory Board and the Board of County Commissioners consider this project and make recommendations before the Department would pursue arrangements for trail improvements. Mr. Nelson further explained that the Yough Board is advisory to the Board of County Commissioners and that ultimately the County Commissioners would determine support for the trail enhancement project. During their March 8, 2005 meeting, members of the Advisory Board reviewed the preliminary concept plan for the Kendall Trail improvement project and requested, by letter dated March 18, 2005, that the Friendsville Revitalization Committee address the following specific issues:

1. A draft 5-year lease arrangement with the Department of Natural Resources should be provided for the Board's review.
2. The lease arrangement should limit use of the trail to hiking and should prohibit bicycle or any motorized vehicle use of the trail.
3. A definitive plan for accommodating parking for trail users near the trailhead should be submitted for the Board's review.

Management Plan would allow the extension of an improved trail beyond Kendall due to the fact that the old tram grade ends at Kendall. The Plan calls for development of trails limited to primitive hiking trails. Don Sebold noted that we should make it very clear that an improved trail should not extend beyond Kendall. Roger Zbel echoed that position. Rusty Thomas voiced his opposition to the use of bicycles on any part of the trail in the Corridor and that the precedent should not be started. Brian Friend explained that DNR regulations do not prohibit use of bicycles in the Corridor and that it would require an amendment in the regulations to prohibit bicycles. Steve Green representing Garrett County Rec Trail Committee expressed his belief that once an improved trail is installed and more users, including bicyclist are present, the ATV unlawful use will stop due to users reporting violations. Jim Hinebaugh summarized that the use of bicycles is allowed in the Corridor by regulation and no reason has been suggested to disallow bicycles and we should move on in our discussion.

Mr. Palencar responded next to issue #3 that related to the need for a plan for parking near the head of the trail. The Town of Friendsville has devised a preliminary parking plan that would designate diagonal parking along Chestnut Street that is less than one block from the trailhead. The town has secured some funding to proceed with the preliminary plan. The right of way for Chestnut Street is 60 feet and the first phase will accommodate up to 20 spaces. Rusty Thomas questioned whether the Town Council endorsed this parking plan and trail use. Thomas Fike, Councilman for Friendsville explained that the town conducted a public hearing on this issue, that no opposition was expressed and that the Council unanimously endorsed the trail and parking plan.

Mr. Palencar discussed next, issue #4 dealing with maintenance of the trail. Mike explained that the Revitalization Committee will take on maintenance of the trail and that this responsibility will be spelled out in the lease. If major damage to the trail is caused by storm or natural causes, the Committee would not be able to take on major restoration. Dave Baker indicated that the Department of Natural Resources is agreeable to this arrangement and that frequent pick up of trash and debris would also be necessary. Don Sebold asked whether a sanitary facility would be necessary near the end of the trail. Mr. Palencar explained that the Committee does not intend to include such a sanitary facility or any other improvements at the end of the trail in their plans. Jim Simms expressed his opinion that if people are simply going to hike up the trail and back he can see no justification for restroom facilities.

The next issue, #5 dealing with enforcement and control of use was discussed earlier. Mr. Palencar explained that DNR would retain enforcement authority within the Corridor and enforce the regulations for the Wild and Scenic River.

Mr. Palencar addressed issue #6 by explaining that the consequences for any default of the provisions of the lease would be set forth in the agreement. John Wilson stated that a termination clause is a standard provision in any agreement.

4. A definitive plan for maintenance of the trail should be submitted for the Board's review.
5. A definitive plan for the enforcement and control of use should be submitted for the Board's review.
6. Provisions for default of the lease or any violations of the lease should be specified and provided for the Board's review.
7. An explicit plan detailing the extent of improvements to the trail should be provided for the Board's review.

Mr. Mike Palencar of the Friendsville Revitalization Committee introduced the project and addressed, individually, each of the points raised by the Advisory Board at their previous meeting. With regard to the first item, Mr. Palencar explained he had met with Dave Baker of DNR to discuss a draft lease agreement. Mr. Baker informed Mike that the proposal for the trail improvement project would have to go through a permitting process with DNR and that the Department would not prepare such a draft lease agreement until all of the details of the project are finalized. Dave Baker confirmed Mike's explanation and added that the Department utilizes standard language within their agreements and that it would not serve any purpose to prepare a lease now before the conditions of the permit are known. Also, once the lease agreement would be prepared, the Board of Public Works would have to approve the lease due to the fact it conveys an interest in public land. John Wilson pointed out that before the project would reach the Board of Public Works, the State Clearinghouse review process would provide comments on the project. He also noted that the lease would spell out the conditions of the permit and the State would require the lessee to have insurance coverage and hold the State harmless from damages.

Rusty Thomas asked how enforcement of trail abuses, in particular motorized four wheelers abuse, would be handled. Brian Friend with Natural Resources Police and Dave Baker described the response process and the direct complaint call process. Any citizen witnessing a violation of the Wild and Scenic Regulations may call 301-777-7771 to report the violation and the Natural Resources Police would be directly dispatched. ORV violators can be fined up to \$120.00 plus additional equipment fines or confiscation for more severe violations. DNR will continue to respond to all violations in the Corridor and will not relinquish that authority to any other entity.

Mr. Palencar responded next to issue #2 that specified the Advisory Board's preference to limit the use of the trail to hiking. Mr. Palencar indicated that the Friendsville Revitalization Committee agreed that all ATV's and motorized vehicles should be prohibited from use of the trail except for authorized maintenance and enforcement vehicles. However, the Committee believes that bicycles should be allowed use of the trail. Bicycles currently use the trail and existing signs at the trailhead indicate bicycles may be used on the trail and are not a violation of DNR regulations. The existing trail is not a primitive trail through the woods, but rather an existing tram road grade that has been there for many years that simply needs improvement. Don Sebold asked how DNR would feel about extending the trail beyond Kendall. Dave Baker responded by explaining he does not believe the Yough

The final information required by the Yough Advisory Board was an explicit plan detailing the extent of improvements to the trail (issue #7). Mr. Palencar explained that the Revitalization Committee had contracted with MSES that is a consulting firm out of Clarksburg, WV. Ron Kidd, representing MSES explained that one of the objectives of the trail plan was to maintain the trail's natural beauty and minimize impacts visually and environmentally. The wet, muddy areas would be dealt with by building a base with larger sandstone capable of handling the NDR patrol vehicles. These water crossings exist along the trail and Mr. Kidd proposes to build plank crossings to the east side of the trail rather than trying to build some sort of sub-terrain drainage. Any damages to the edge of the trail would be re-seeded and returned to grasses. The cross-section of the trail will be an average of 8 feet to allow DNR patrol vehicles. Stone will be placed in the trail with a small dump truck starting at Kendall and working back toward Friendsville. Mr. Kidd welcomes all suggestions and comments from the Board. Jerry Thayer asked what the schedule might be for installation of the trail. John Wilson indicated that preparation for the Board of Public Works agenda would take at least 6 months. Mr. Palencar stated that work could only be completed during the driest time of the summer so they would target next summer (2007).

Ken Jasko indicated that he owns property near the trail end at Kendall. Mr. Jasko does not believe hardening of the trail will do away with ATV use and he is concerned about liability issues if a trail is installed over his property. Mr. Jasko is also concerned that the trail users will, in the absence of facilities, leave trash and relieve themselves on his property. Mr. Jasko is generally opposed to the use of bicycles and changing the general character of the natural wild corridor. Don Sebold asked whether Mr. Jasko claims ownership of the land where the existing tram road is located. John Wilson responded by stating that the State claims ownership of the same land claimed by Mr. Jasko in conveyances from both Penelec and the Frantz's. Mr. Jasko's title may not be clear and the Department will research the title on the properties. Roger Zbel stated that it was his understanding that the State purchased the right of way for the trail by a separate deed. Dave Baker confirmed that the State did purchase the trail in fee in 1989. Mr. Wilson stated that the State will not enter into any lease agreement that is not covering State land.

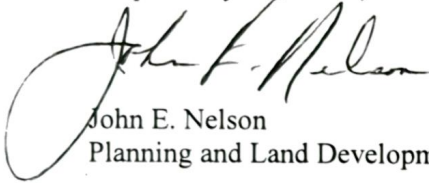
Mr. Nelson indicated that as a result of this discussion, the Board now needs to make some conclusion. Roger Zbel indicated that he believes the Advisory Board should look at the site and the property ownership issue should be resolved. Roger made a motion that the entire Board should make an on-site inspection of the trail on a station-by-station basis as indicated on the MSES site plan. No second to the motion was made. Jerry Thayer next made a motion that the Advisory Board recommend granting approval to the concept of the Kendall Tram Road improvement project subject to the following conditions: 1) The draft lease agreement between the State and the Friendsville Revitalization Committee must be reviewed and approved by the Yough Advisory Board; 2) the trail improvements must be approved by the Yough Advisory Board based upon the on-site inspection of the trail by available Board members within the next 30 days; and 3) the trail not cross private land. The motion

was seconded by Don Sebold. The motion passed by 6 to 1 vote. Mr. Nelson stated he will prepare a letter of the Advisory Board's recommendation to the County Commissioners for their action. Copies will be provided to the Friendsville Revitalization Committee and DNR.

Mr. Nelson next questioned the Board as to when the on-site inspection of the trail will take place. Mike Palencar suggested Wednesday, April 26, 2006 at 1:00 p.m. and a rain date of April 27, 2006 at 1:00 p.m. The majority of the members concurred with the suggested date and time and agreed they would meet at the Friendsville Town Hall at 1:00 p.m. on April 26, 2006 and hike the trail.

There was no further business and the meeting adjourned at 8:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John E. Nelson". The signature is written in dark ink and is positioned above the printed name and title.

John E. Nelson  
Planning and Land Development Director