

**Deep Creek Lake Policy and Review Board**

**Regular Quarterly Meeting**

**Deep Creek Lake Discovery Center**

**Monday April 25, 2016**

In attendance: PRB Board Members; Greg Snook, James Bailey, Bob Browning, George Edwards, Bob Hoffman, Larry Iden, Robert Kelly, Delegate Wendell Beitzel, Kevin Null, Paul Edwards, DNR staff; Eric Null, Al Preston and Bruce Michael

Mr. Snook asked for a motion to approve the January 2016 minutes, Mr. Hoffman made the motion and Mr. Browning second. All were in favor and the motion passed to approve the January minutes with no changes.

**OLD BUSINESS**

**Watershed Management Plan**

Commissioner Paul Edwards reported that the county adopted the Deep Creek Lake Watershed Management Plan. Mr. Edwards discussed how the county has developed MOUs with DNR, MDE and the county to form a working group to focus on the framework for the management end of the plan. Debbie Carpenter will serve as the Garrett County representative for the plan. Mrs. Carpenter has the names of the DNR and MDE representatives. The Chairman of the PRB will be an ex-officio member and the county watershed coordinator, when hired will sit on the group.

**Hydrilla Control Update**

Mr. Bruce Michael gave an update on the upcoming third year of Hydrilla treatment at Deep Creek Lake. Mr. Michael stated that there will be four treatments this summer, starting the first week of June, the treatments will be three to four weeks apart. Mr. Michael stated that DNR found one new bed of Hydrilla in 2015 in Green Glade Cove. Mr. Michael stated that DNR will continue the educational component of the Aquatic Invasive Species Control Program by continuing to partner with Garrett College to facilitate the Boat Launch Steward Program at the Deep Creek Lake State Park boat ramp.

Mr. Michael gave an update on the SAV surveys that were performed in 2015. Mr. Michael stated that the data from this survey will be posted on the Deep Creek Lake NRMA website. Mr.

Michael stated that the water milfoil abundance decreased from the 2014 survey. The SAV surveys will continue in 2016 and DNR will also continue the lake wide survey of aquatic vegetation.

Mr. Michael also gave an update on the water quality monitoring. Fourteen sites were sampled in 2015; these sites were located in the main body of the lake, tributary areas and large embayments. Total chlorophyll was a key parameter measured at these sites. Chlorophyll levels indicate the abundance of algae blooms in the lake and serve as an indicator of nutrient enrichment. 2015 samples contained around the same levels of chlorophyll as 2014. These levels were well under the highest levels monitored at Deep Creek Lake. Mr. Michael stated that the lake has good water quality and habitat that supports a diverse biological community of fish and aquatic plants.

### **Canada goose Hunt**

Mr. Eric Null of the Lake Management Office reported that he has been in contact with the Wildlife and Heritage Service and that they are currently working with the county for a managed hunt on Broadford Lake. Mr. E. Null stated that late in the season the Deep Creek Lake Geese will over winter at Broadford Lake, which is smaller than Deep Creek Lake and more conducive to hunting. They will continue to oil goose eggs as part of the Canada goose control program on Deep Creek Lake.

### **Sediment Review Committee**

Mr. Bob Hoffman reported that on March 17, 2016 we had our last sediment committee meeting. Mr. Kevin Null reported that Deep Creek Lake is eligible for funding for sediment removal. Deep Creek Lake qualifies as a tier two, which requires a 50% match for sediment removal. The county is required to submit an application for the funding to Waterways Improvements. The funding is a competitive process.

Mr. K. Null stated that the county anticipates receiving \$162, 000 from DNR for the development of the application. Garrett County will contract with Maryland Environmental Services (MES) to prepare the application. Mr. K. Null stated that as part of the process MES will analyze all of the proposed coves and make recommendations based on scientific data. The process is expected to take 12-18 months. Mr. K. Null indicated that the cost of sediment removal in a cove can be \$500, 000 or more. Mr. Null stated that he did not see any projects starting until fall of 2018.

Delegate Wendell Beitzel asked what data has already been gathered for sediment removal. Mr. Michael reported that he has already been in contact with Boating Services, Maryland Geological Survey and MES to assemble the data from the DNR sediment surveys to use for the application. Mr. Michael stated that all MDE and U.S. Army Corps of Engineers requirements must be met

for the permit application to be successful. Mr. Michael stated that MES could have their proposal ready to be reviewed by the county in six months.

Delegate Beitzel stated that the board has been dealing with the sediment issue for a long time and he is concerned that there needs to be assurances that there will be some outcome associated with the money and time being spent on the issue.

Mr. Browning stated that the main reason for the sediment removal was to aid with lake levels and that the sediment removal cannot extend past the original lake bottom, therefore it will not help with the lake level issue.

Delegate Beitzel asked how much sediment was located in the coves. Mr. Browning indicated that high levels of sediment were around two feet. Mr. Michael confirmed that some coves had over two feet of sediment. Mr. Browning stated that most of the sediment is in the end of the coves so most people impacted by shallow water will not receive any benefit from the sediment removal. Mr. Robert Kelly stated that the coves with the highest sediment accumulations are Pawn Run (2.7 feet), Penn Cove (2.3 feet) and Green Glade (2 feet). Delegate Beitzel asked about the accumulation in Arrowhead cove. Mr. Kelly replied one foot. Mr. Browning stated to help the coves excavation must be permitted.

Delegate Beitzel asked Mr. Michael if DNR supports the dredging. Mr. Michael stated that DNR supports the application from the county and DNR will review the application but there are many potential water quality impacts from dredging. One such impact is leaving a void that invasive species could fill. Mr. Michael also stated that the nutrients that are bound in the sediment will be released when the sediment is disturbed. Delegate Beitzel asked if the lake level is dropped so that dredging can take place in dry conditions would that decrease the nutrient release. Mr. Browning stated that the lake is under a water discharge permit that does not allow for such a large drop in lake level and the paperwork to dredge is insurmountable. Delegate Beitzel stated that the Chesapeake Bay is dredged on a massive scale. Mr. Michael stated that one of the rules of bay dredging is that they cannot dredge where aquatic plants are present.

Mr. Browning stated that a former proposal by Mr. Kelley to develop a cost share program for shoreline erosion control.

Delegate Beitzel stated that there is \$250,000 set aside in the DNR budget for dredging. Mr. Michael stated that it's a good start but once a permit is acquired the county still has to match 50% of the total cost of the dredging. Mr. Michael also stated the 2013 sediment study determined that the cost to dredge one cove could be one to three million dollars and MES thinks these are very conservative numbers. Delegate Beitzel asked Mr. Michael if hydraulic dredging was being considered. Mr. Michael stated that it is the cheapest form of dredging. Mr. Browning stated that he thought it had to be done in the dry. Mr. Michael stated that the lake level must be dropped. Mr. K. Null stated that he was informed that wet dredging was about \$25 a ton and dry dredging was \$150 a ton. Delegate Beitzel stated that Senator Edwards and he met with Beitzel

Corporation a private contractor and the contractor stated that dry dredging could be done cheaper. Mr. Michael stated that MES would evaluate that cost.

Mr. Bob Hoffman stated that if permit is acquired for dredging that a mitigation plan to prevent sediment from entering the lake should also be implemented. Senator Edwards stated that other inland lake dredging had been discussed before Deep Creek Lake was ever discussed. It was found that state owned inland lakes were not available for Waterways Improvement funds. Senator Edwards stated that the law had been changed and now inland state owned lakes were available for the funds. Senator Edwards stated that changes in government laws take time and that dealing with the issue of state owned lakes is a new concept. The state does not have the money to pay 100% of the cost of dredging other lakes and that Federal laws may still inhibit dredging in the state owned lakes. Senator Edwards stated that the county should go forth with the application and if approved, the ultimate decision of dredging DCL lies with the county and available funds.

Senator Edwards asked Mr. Kevin Null if the county would prioritize the coves in relation to dredging. Mr. K.Null stated that the county will prioritize the coves. Senator Edwards stated that he and Delegate Beitzel would continue to work with the DNR, who have been very cooperative, to facilitate projects in the county prioritized coves. Senator Edwards stated that a new approach for inland waterway dredging could be devised to facilitate Waterways Improvement funding for these projects.

Mr. Browning stated that the expectations of the public about dredging Deep Creek Lake may be different than what will actually occur. Mr. K. Null stated that the county will be conducting informative public meetings to address and educate the public on the outcomes of proposed dredging.

Mr. Bob Hoffman asked the Chair if the sediment committee could continue to address shoreline erosion and work on standardizing permits for the installation of shoreline erosion control projects. With regards to dredging Mr. Hoffman feels that the sediment committee has finished with its work but would be available for questions regarding dredging. Chairman Snook agreed with Mr. Hoffman's proposal to continue the committee for erosion control purposes.

### **Report on the Deep Creek Lake (DCL) Management Fund Budget (Presentation attached)**

DNR Assistant Secretary for Mission Support Mark Hoffman presented a Power Point presentation on the DCL Management Fund.

Mr. Hoffman began the presentation with a history of the PRB, Delegate Beitzel interjected that the reasoning for the PRB preceded the legislation that established the PRB. Delegate Beitzel Stated that the county suggested the PRB and that as a contingency of purchasing the lake the state introduced formal legislation that the PRB.

Mr. Bob Hoffman stated that he does not want to find out after the fact that a large chunk of the Lake Management budget has been used for a project like Hydrilla which could result in an increase in permits fees. Chairman Snook stated that since the PRB transition in January the board is catching up on these issues. Delegate Beitzel stated due to the short staffing of Lake Management the large contractual service fees could inhibit proper staffing. Chairman Snook asked when the last time fees were raised. Mr. E. Null stated 2005 or 2006.

### **Petition of Changes on PWC Time Regulations**

Mr. James Bailey reported on the Sub-committee meeting that was held on March 31, 2016 at GCC Technology. Mr. Bailey stated that the meeting was not attended with a large public group as anticipated. The meeting was opened with Mrs. Carol Jacobs reiterating the request through petition to the board to change the PWC time regulations. She provided the committee with information and statistics concerning PWC operations. Mr. Bailey stated that during the PWC discussion other items came to light with regards to boating regulations. Mr. Bailey asked the Chairman if the scope of the committee could be extended to cover these other boating issues. Mr. Bailey stated that the committee did not intend at this meeting to vote on the approval of the request, but to gather information to aide in the PRB's decision to approve or not approve this request.

Delegate Beitzel and Mr. Browning discussed the role of the PRB in regards to approving and reviewing boating regulations that applied to Deep Creek Lake. Chairman Snook stated that he spoke with Mike Grant of Boating Services and Mr. Grant informed the Chairman that the Boating Service attorney general liaisons were drafting a statement that would be provided to the PRB about their responsibilities regarding boating regulations on DCL.

Mr. E. Null stated that Boating Services has informed him that they will not review a boating regulation request for DCL that is not submitted by the PRB. Senator Edwards recommended that Mr. Bailey have more subcommittee meetings that would focus on public input on the requested regulation changes. Mr. Kelly asked the Chairman if the Board should proceed with reviewing the 13 other items of just the PWC request. Mr. Bailey stated that he does not believe the committee has enough information on the PWC request to proceed with a recommendation and asked the Chairman to restrict the committee to the PWC request. Chairman Snook asked if that was the consensus of the board. Delegate Beitzel agreed that the committee should focus on the PWC request. The subcommittee will remain focused on the PWC request.

### **County Commissioners Report**

Commissioner Paul Edwards reported that the commissioners were presented with a petition to look at the language of the county's comprehensive plan in regard to the watershed management plan on the issue of fracking. The petition was sent to planning and zoning that will have a

meeting on May 4, 2016 to discuss the petition. Commissioner Edwards stated that anyone wanting more information should contact Debbie Carpenter.

### **Process ORV Permits for Snowmobiles on DCL**

Chairman Snook stated that he asked Lt. Preston to provide the board with the number of ORV permits issued in 2015. He stated that Lt. Preston replied that there were 46 permits issue and 38 were for snowmobiles.

## **NEW BUSINESS**

### **DNR Correspondence**

Chairman Snook asked the board if everything was ok in reference to the Conservation Easement Permits that Mr. E. Null sends to the board for review. No changes to the process were proposed.

Chairman Snook stated that he received a question from a realtor on the DNR policy for using drones. Mr. E. Null stated that the use of drones must adhere to all FAA regulations. Lt. Preston stated that any questions that the Park Service receives on drones are referred to the FAA website.

Chairman Snook stated that he received a request from Bob Nichols of Bills Marine Service in reference of when docks can be installed on the water. Mr. Nichols would like the date to be pushed back from April 1<sup>st</sup> to March 1<sup>st</sup>. Mr. E. Null stated that every year there is a break in the weather in March that request is made by permit holders. Mr. Null stated that the date cannot be pushed to March 1<sup>st</sup> due to COMAR stating that the Lake is and ORV trail until March 15<sup>th</sup>. Mr. Null also stated that the April 1<sup>st</sup> date for dock installation is also in COMAR. The change in dates would require legislation. Mr. Null stated that there is a provision that allows the lake manager to grant early installation if they deem the weather is fit for the installation. Mr. Null stated in March of this year there were several days of good weather followed by large winter storms, therefore he did not grant the early installation. Mr. Null stated that in future years if forecast indicate prolonged good weather he will grant early installation.

### **Public Comment**

Mr. Dick Bolt stated that he was disappointed that the work he did on the PWC information whet unnoticed, he did not see a posting about the PWC committee meeting. Mr. Bailey stated that he read the information and shared it with the committee.

Mr. Ed King expressed his frustration with the bad press on DCL. He stated that he interviewed many people including water skiers, property owners, and fishermen in the sediment impacted coves and that the vast majority did not believe there were any detrimental impacts. Fisherman

say fishing is the best it has been. Mr. King expressed that he would like the negative press dealing with DCL water quality to stop.

Mr. Bob Sutton stated that he believes that if the PRB is going to initiate Boating Services to study PWC regulation changes on DCL that the board should take advantage of the man power and money that will have to be spent to study this request and study some of the other 13 request presented to the PWC subcommittee. In researching other lake regulations in the United States Mr. Sutton found that DCL was not as strictly regulated and many of the other large recreational lakes in the country.

Mrs. Carol Jacobs thanked the Board for spending the time they have on the PWC request and asked if she could be a nonvoting member of the sub-committee. She also requested to present a formal presentation on the subject at the next PRB meeting. Mr. Snook and Mr. Bailey informed Mrs. Jacobs that the committee meetings are open to the public. Mrs. Jacobs requested that she be a member for her business knowledge in the area of PWCs. Chairman Snook stated he will take her request under advisement. Chairman Snook also addressed Mrs. Jacobs second request for a presentation by informing her that there are several individuals that want to present at the next meeting and that he would have to review the entire request list to determine the presentations that would be on the agenda.

Mr. Parker Jacobs requested that he continue to be included on the PWC sub-committee if the committee expands to review all boating requests.

Ms. Barbara Beelar asked Mr. Bailey if the notice about the PWC meeting was posted. Mr. Bailey stated that the notices were posted with the POA and PRB. Ms. Beelar was concerned with the PRB disseminating information to the public. She stated she had not received correspondence about the April 25 PRB meeting. Chairman Snook informed her that lake management had sent her the information. Mr. E. Null confirmed it was sent twice through email and lake management had the sent email copies and receipts.

Ms. Beelar stated that she would like to see the board seek professional input on dredging by companies that perform dredging operations.

Chairman Snook stated that the next PRB meeting will be July 25, 2016

Chairman Snook adjourned the meeting at 8:11 pm

Respectfully Submitted,

Eric Null

