

**Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Garrett College
Monday January 12, 2015**

In Attendance: Chairman Dr. David Myerberg, Bob Browning, Robert Hoffman, Susan Fowler, Barbara Beelar, David Moe, Major Daryl Anthony, Lake Manager Eric Null, Senator George Edwards, Delegate Wendell Beitzel, County Commissioner Paul Edwards, Bruce Michael, Mike Grant, Mark Talty, Paul Peditto (by phone), and 17 Members of the Public.

Meeting called to order at 6:00 pm by Chairman Myerberg.

Action Agenda: Chairman Myerberg asked if there were any changes or corrections to the October 27, 2014 minutes. No changes noted. Chairman Myerberg asked for a motion to accept. Motion to accept was made by Wendell Beitzel, seconded by Susan Fowler, all approved. Minutes were accepted.

OLD BUSINESS:

Chairman Myerberg welcomed Mr. Paul Edwards, the newly elected Garrett County Commissioner who will serve as the representative to the PRB. Chairman Myerberg announced that a number of PRB board members terms were expiring, after Governor Hogan takes office re-appointments and/or new appointments will be made to the PRB.

Watershed Management Plan Update:

No activity has taken place with regards to the watershed plan by the newly elected board of Garrett County Commissioners and with the appointment of DNR Secretary Charles Evans.

Sub Committee:

Lake Budget and Strategic planning

Lake Budget committee did not meet this quarter do to possible changes on the PRB. Chairman Myerberg stated that meetings would continue after any changes are made to the PRB membership.

Canada Geese:

Paul Peditto joined the meeting by phone to give his update on Canada Geese. Paul Peditto asked that he be put back on the PRB email distribution list. Paul stated he has seen the material that has been distributed by the POA and FoDCL. The question is if

geese can be controlled within the lake and buffer strip and will there be social approval for the control methods.

There are two times a year when lethal control could be performed, the first is summer when the geese have lost their flight feathers. They would have to be captured alive and taken off site to be euthanized. The other would be hunting the geese in the winter. Chairman Myerberg asked for the documentation that FoDCL and the POA put together. Barbara Beelar stated that FoDCL formulated three questions that were distributed to the public to answer about DCL geese. They had 272 responses to the questioner.

1. DNR wants to know if the Geese population is a problem.
91 yes 9 no
2. Should lethal control or hunting be used on the Buffer Strip?
83 yes 17 no
3. Prefer hunting take place off the lake in such places as farms in the watershed?
46 yes 54 no

Barbara Beelar stated that since this was her first time building a survey that some of the questions may not have been written clearly enough for the public.

Bob Hoffman stated the POA built its survey with three choices; to agree, disagree or no opinion. Participation in the survey will be available until February 7th. So far 191 people have completed the survey. The results are 90 yes and 10 no at this time.

Bob Hoffman stated he received a call from the Cumberland Times columnist Mike Sawyers, he was planning on publishing the geese information as an article. He asked “how can the public participate in the process?” Paul Peditto stated that Mr. Sawyers also contacted him to ask the same question. Mike Sawyers has followed DNR regulations and procedure for many years and knows the process for proposing and adopting regulations for hunting in general. There is a regulation prohibiting the discharging of a firearm on Deep Creek Lake. We would have to adopt a new regulation that would allow the discharge of firearms for this discreet purpose. Bob Hoffman stated that he feels the survey will be strongly supportive of goose hunting at DCL.

Barbara Beelar asked if the hunt would only be permitted for two days. Paul Peditto stated that it would not be two days, but that days of participation in the hunt would be limited due to social and recreational impacts that the hunt may cause. Limiting the days would also allow the birds to settle down and decrease active avoidance of the shooting areas by the geese. Discharging shotguns would have social impacts since their reports would be able to be heard from long distances.

Dr. Myerberg asked how many geese will be taken in a few days of hunting. Mr. Peditto stated that this will be hard to determine due to the amount of hunters participating and snow cover on adjacent grounds. Hunters could harvest as high as 25 to 30 a day, total. Dr. Myerberg stated with the present data indicating that the majority of people support

the hunt; if we are to proceed to the next step, the board should approve proceeding. The next step would be to coordinate with police to allow firearms on the lake at the times of this managed hunt. A motion was made to take the next step by Mr. Stakem, Mr. Browning second the motion, the board was in favor of the motion.

The Board has voted to pursue and asked Paul to do so. Paul stated that DNR would have to advance the policy regulations within the departments. It will take time with new Administration coming in.

Dr. Myerberg stated that this motion will commence our second stage of attack, with the first stage being the continued oiling of the eggs.

Barbara Beelar ask if there could be more information added to the Lake Management website pertaining to the options that residents have for deterring geese on their private property.

Laws and Regulation Impaction the Deep Creek Lake Watershed:

Chairman Myerberg sent an email to Secretary Gill as the board has requested. Chairman Myerberg asked the Secretary if he thought mandating updating of the Compendium through DNR and County government was a good idea. Secretary Gill responded that it was a good idea and should happen. Secretary Gill has now stepped down from office and Mark Belton has been appointed and confirmed as Secretary of the Department of Natural Resources. The board will be approaching the new Secretary to determine if he feels the same as Secretary Gill.

Assistant Attorney General Mark Talty stated Secretary Gill did speak to his office to adopt an annual update and use Mr. Talty's over site as a representative of the State. Chairman Myerberg asked if there was a way of making the update a permanent practice by the State. Mark will speak to his superiors to see if something can be adopted long term.

SAV's Update on Hydrilla:

Bruce Michael gave a brief update on 2013 discovery of Hydrilla, stating that 13 patches of Hydrilla were found in the Southern portion of Deep Creek Lake.

DNR assembled a nationwide panel of Hydrilla experts to consult for advice and recommendations on controlling Hydrilla. DNR and the expert panel weighed all of the options to control Hydrilla, the safest and most effective method was determined to be chemical control. This panel will continue meeting in 2015 to discuss the 2014 results and determine the future control practices.

Bruce Michael presented a synopsis of the 2014 season regarding Hydrilla in a Power Point presentation.

Mr. Michael broke down the treatment into two phases. Phase one was the treatment itself. Five treatments with a low dose systemic herbicide that targets Hydrilla were applied between June through September 2014. The systemic herbicide did target the Hydrilla, and damage to native SAV species was very minimal.

Phase Two: DNR evaluated the treatment in the later part of the treatment cycle. During this evaluation two more patches of Hydrilla were found and treated with contact herbicide.

Mr. Michael stated Hydrilla produces tubers that reside in the lake bottom soil. These tubers will remain viable after treatment; therefore treatment must persist for several years to ensure that all of the tubers have been eliminated. Every year prior to treatments all property owners located in the treatment areas will receive a letter describing the treatment and listing the dates of the treatments.

Outreach and Educations: Private marinas will be given more signage and information on Hydrilla and invasive species control. A partnership is being established with Garrett College to aide with the public outreach and education component of the Hydrilla management plan.

The 2014 Summary shows positive results, since this is a multiple year effort; a multiple year permit has been secured from MDE for the treatments. The cost will be approximately \$300,000.00 annually. Garrett County donated \$ 39,000.00, and the POA donated \$10,000.00. Mr. Michael stated that DNR will be applying for grants to help off set some of the costs.

Mr. Michael stated that DNR and our Invasive Species Matrix Team are looking at pros and cons for watercraft decontamination stations and inspections on watercrafts. The decontamination stations use high powered hot water. There are many pros and cons associated with these stations. There might be the possibilities for a pilot program this year.

Barbara Beelar asked if the information that was gathered this summer if it would be available for review. Mr. Michael stated a small summary will be done on the information collected.

Mark Talty stated that an opinion by the Attorney General was requested by Delegate Beitzel and Senator Edwards to determine, whether or not Maryland law would allow DNR to inspect boats entering Deep Creek Lake and whether they could prevent the boat from launching into lake if an inspection was refused. The expected date for this opinion will be in February; hopefully by the next meeting we will have more information. Maryland law has two components for invasive species. 1. Statutory and 2. The regulations that have been adapted from the statute, section 4 – 205.1 of the Natural Resources Article. This statute became law back in 2003 after a school of snakeheads were found in a Maryland pond. This statute is geared to nuisance

Species. It gives the Secretary the power and authority to enter on private property to inspect for invasive species. COMAR 08.02.19. 08.02.1905A

It is illegal for operators to launch a vessel that contains invasive species in state waterways. Whether each vessel can inspected and be prevented from being launched is a Constitutional question.

As an aside, Barbara Beelar asked Mr. Talty about the advertisement that had been posted over the summer depicting lots for sale at Deep Creek Lake with a boat slip. Mr. Talty stated that the company had been sent a letter on the advertisement and that the company stated that they did not sell any of the lots in question.

Sedimentation Study:

A committee has been chosen and will be reviewing the study.

Update from County Commission:

Commissioner Paul Edwards had no updates on lake issues. The Board of Commissioners is to meet later this week with engineers concerning the Western Conveyance.

New Business:

Chairman David Myerberg gave a brief history on jet packs; he stated that they are called “fire hose toys”. A hose and a pump inject high pressure water into a backpack, which allows the wearer to rise above the water. Chairman David Myerberg stated emergency regulations were distributed at the beginning of meeting. The Chairman introduced Mike Grant (BAAC) who was in attendance to answer any questions that the board may have on jet packs and the regulations. Mr. Grant played several You Tube videos on the projection screen to demonstrate the three different types of jet packs.

Mr. Hoffman raised concern for the amount of extra man power that would be needed by NRP to enforce these new jet pack regulations. Mr. Hoffman asked how many officers are on the lake at any one time. Major Daryl Anthony stated that the lake is an area of concentration for NRP. There is at least one or more officers on the lake during the boating season. It is unlikely that there will be an increase in officers on the lake due to the new regulations. Major Anthony stated that he witnessed these vessels on the bay this summer and that they are such an attraction that they will draw NRP to them.

Dr. Myerberg stated that while some of the jet packs cost between \$40-100,000 there are models that only cost \$6-8,000 and that these could be easily affordable. This could promote more jet packs on the lake. Do we want an increased number of these on the lake?

Senator Edwards asked how the regulations would apply to the two other large lakes in Garrett County that allow motorized vessels, Yough Lake and Jennings Randolph Lake. Mr. Grant stated that the regulations would be the same for both, but he did not know what other enforcement was present on the other lakes.

Bob Nichols introduced himself as the manager of Bill's Marine and a member of the Boat Act Advisory Committee. He stated that he has attended all of the discussion of the new regulations and he feels that they are very well written. He also feels that as a large livery operator on Deep Creek Lake these would not be a viable source of income due to the amount of vessels needed for one jet pack and the cost of rental. Mr. Nichols believes that there will not be a large impact on Deep Creek Lake.

Mr. Grant stated that the videos shown were not the normal operation. It takes many lessons to be able to even get off the water. Mr. Nichols stated that lessons start at one hundred dollars an hour.

Dr. Myerberg asked if they should be restricted to certain areas of the lake. Mr. Nichols stated that the regulations restrict many aspects of the operation of jet packs.

Mr. Browning stated that he does not feel that livery operators will participate in jet packs. As for private operation the regulations restrict the areas of operation already. Mr. Nichols stated that the regulations for operating jet packs are the same for private operation and livery operations.

Mr. Nichols stated that we cannot make rules that discourage tourism from the lake. The Boat Act Advisory Committee does not make the regulations the NRP makes the regulations.

Dr. Myerberg suggested that a committee be formed to review and comment on the regulations. Such a committee was formed.

Ms. Beelar made a motion to extend the meeting for public comment, second by Mr. Browning all were in favor.

The next PRB meeting will be April 27, 2014 at Garrett College.

Public Comment

Mr. Williams asked the PRB and the County Commissioners to identify risk factors around the lake for any future breach of the sewage system that may occur and who is responsible for these leaks. He also asked for an assessment to determine how to pump sewage around away from the lake in case of a ruptured line along the lake.

Richard Matlack stated that he was appreciative of the appointment to the sediment survey subcommittee and that he has observed the increase in sediment and SAV in the lake. He states that SAV have been a problem for thirty years and we need to assess the

impacts of sediment, SAV, temperature and other factors to alleviate the problems in the southern portion of the lake

Major Daryl Anthony introduced Al Preston the Manager of Deep Creek Lake State Park

Motion to adjourn made by Mr. Stakem second by Mr. Hoffman all were in favor.
Meeting Adjourned 8:17pm

Respectfully Submitted

Misty Moon
Administrative Specialist II
DCL NRMA