

**Deep Creek Lake Policy and Review Board**  
**Regular Quarterly Meeting**  
**Thursday, March 20, 2014**  
**Postponed from January 27, 2014**  
**Garrett County Health Department**

In Attendance: Chairman, Dr. David Myerberg, Susan Fowler, Commissioner Robert Gatto, Bob Hoffmann, Robert Browning, Barbara Beelar, Designee for Senator Edwards, Steve Green, John Stakem, Designee for Delegate Beitzel, David Moe, Commissioners James Raley and Gregan Crawford Maryland DNR Assistant Secretary, Mark Hoffman, Director of DNR Wildlife Paul Peditto, Esq., Director of RAS, Bruce Michael, Eric Null, Daryl Anthony and 35 members of the public.

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

**Revision of Minutes from last meeting, Monday, October 28, 2013 (page 4):**

The notes stated that Hydrilla has been in the lake for at least five years. **Revision:** There is no estimate how long Hydrilla has been in Deep Creek Lake, according to Mr. Michael.

Bob Browning made a motion to accept the minutes from the last meeting, seconded, with revision, by John Stakem.

**Old Business:**

**Watershed Management Plan:** Dr. Myerberg attended the sixth Steering Committee meeting. Things are heating up with the plan. He is very pleased to have the staff supplied by DNR and the County for the construction of the Watershed Plan. Each of the sub-committees are “cranking up now” to prepare final reports to submit to the Steering Committee. The reports should be completed by June of this year. The Steering Committee is being educated at every level. Dr. Myerberg stated that time is the biggest hurdle in the creation of the Watershed Management Plan.

**PowerPoint Presentation on Hydrilla: Bruce Michael from DNR (Full copy of PowerPoint presentation is attached):**

Mr. Michael stated that Hydrilla was found in Deep Creek Lake on September 21, 2013. It was found in the southern portion of the lake. There are thirteen infestations measuring from 1 meter across to 5 acres. They are going to make a concerted effort to search the rest of the lake for Hydrilla in 2014. They contacted experts from Florida, Mississippi, Cornell University, US Geological Survey in VA, and North Carolina State University to form a panel of experts to consult on the Hydrilla issue. This panel is composed of the foremost experts in assessing and controlling Hydrilla. Mr. Michael stated that they had a series of three or four meetings with the panel via conference calls, and they were extremely helpful.

The importance of early detection was emphasized. The opportunity exists to control it when it is found early enough. If detected later eradication is extremely unlikely and extremely expensive. If no action is taken, Hydrilla can spread throughout the entire lake. Mr. Michael stated that they evaluated all possible control options. He discussed the different options to combat Hydrilla. The panel concluded that the only effective way to manage Hydrilla is chemical control. Fluridone (Sonar), which is specific to Hydrilla, is what they are recommending to be used. Concentration of the herbicide is extremely important over a series of applications. Prior to treatment, DNR will gather baseline data on the proposed treatment sites, and assess the exact acreages to be treated. Along with Sonar, two other chemicals will be used in subsequent spot treatments to treat any isolated patches that remain after the initial block treatment. Sonar applications will be performed by a licensed contractor. The cost will be \$320,000-\$340,000 for the treatment and Hydrilla management. The herbicide application for Sonar One comes in a pellet form. They want to start treating in May and treat every three weeks to keep concentration at a specific level. DNR will be testing to measure concentration throughout the entire treatment period. If the concentration drops below the recommended level, they may have to apply treatment in a smaller time interval. The herbicide is safe for human contact, but DNR is recommending that no one swim for 24 hours. Licensed applicators from DNR fisheries will work with DNR to do later subsurface applications. Public relations, will contact all local residents within the treatment areas by mail with detailed instructions prior to

applications. The only restriction with Sonar is not to use the water for irrigation purposes. Park Service staff and the NRP will help enforce water closure during treatments. They are estimating a day each time for treatment and closure. The public will be notified in advance of each treatment. The area from Turkey Neck and Blakeslee to the end of the lake to the west will be affected, and access to the cove will be restricted while the application is being performed.

The outreach and education component of the Hydrilla recommendation will be to work with the DNR Office of Communications, Lake Management and Deep Creek Lake State Park to educate boaters about their responsibility to stop the spread of the invasive species. Three extra seasonal workers will be hired to inspect boats for SAV at the State Park boat launch and commercial marina launches. DNR will install education stations that will be placed at the boat launches, with a place for boaters to dispose of any Hydrilla they may find on their boats. A high powered boat washing station would cost \$30,000-\$80,000, and was found by the expert panel to be an ineffective use of resources. The panel feels it is more advantageous to have people on the ground who can talk and interact with boat owners. The Office of Communications is assembling a video on how to protect your boat and will distribute the video to commercial marinas, as well as, the DNR and Park Service websites.

Mr. Michael said that Hydrilla treatment will be a multi-year problem, this is just the start. A multi-year permit is being acquired from MDE to allow treatments beyond this year. DNR is going to look for grants to help fund the treatments. DNR is committed to funding \$200,000 of the total cost (\$320,000-\$340,000) of the project. They are looking at other opportunities and other funding for the deficit needed for the herbicide treatments. Mr. Michael said, "The less money, the less effective we will be." They are committed to the long term protection of DCL.

Dr. Myerberg asked what day of the week treatment would be applied. Mr. Michael stated that it would probably be the middle of the week. Closure would only be while the herbicide is being applied. Steven Green asked about people swimming in the area. DNR will be monitoring fish and invertebrates by doing surveys of the lake. Dr. Myerberg asked what else the herbicide is used for. Mr. Michael said he is not sure exactly. Robert Hoffman asked if they would be able to tell if the treatment is effective & if the plants will be removed. Mr. Michael stated that they would be able to tell if it is effective, since the herbicide is absorbed by

the leaves, adheres to the soil, it will be taken up by the roots, and the plant will start to lose its color, wither and die. The treated plants will not be removed. Bob Browning encouraged Mr. Michael to consider letting people use the lake in that area at minimum wake during application. David Moe asked if this herbicide has been used before. Mr. Michael stated that it has been used and has been very effective. They will most likely have to treat the lake again next year. A member of the public asked of the frequency of the spot treatments. Mr. Michael stated that the duration would be shorter and the area smaller, it wouldn't affect the entire cove.

Dr. Myerberg urged the meeting to move along and urged the public that if they have any questions regarding the Hydrilla herbicide applications to email Mr. Michael. Barbara Beelar made an observation that the area of application also has Eurasian Water Milfoil. She suggested that they need intensive on-lake monitoring to detect any future occurrences of Hydrilla. Mr. Michael said they will be monitoring the lake but it would be good to have a citizens monitoring program where they could train individuals that live on the lake and who recreate at DCL routinely to know to identify Hydrilla. They will work with the board to develop and train a citizens monitoring program for Hydrilla. Barbara Beelar is hoping we become proactive in the introduction and prevention of invasive species to the lake. Mr. Michael stressed that education and hands on intervention is the key. Bob Browning thanked Bruce on his proactive approach.

Barbara Beelar stated that Friends of Deep Creek Lake have made a request to review existing state legislation with regard to inspection of vessels for invasive species and prevent launching of vessels if the species is seen or if people refuse inspection. Susan Fowler asked if the Board needs to talk to local residents about procedures when launching their dock or boat. Mr. Michael's office will work on education outreach material to make sure homeowners and rental companies receive the information. Barbara Beelar is concerned about boat propellers breaking up and fragmenting Hydrilla if it grows close to the surface. Mr. Michael stated that they do not anticipate growing within the area of disturbance by boats.

**Sedimentation Study: Bruce Michael, DNR (Full copy of PowerPoint is attached)**

Mr. Michael stated that over the last several years phase 1 & phase 2 studies were completed. The study assessed the accumulated sediment in shallow coves and analyzed alternatives and what could be done with the sediment. Another goal of the sediment survey was to develop options to reduce sediment loading. All of the results of the study will be used in the Watershed Management Plan. The study was completed by using MD Geological Survey (MGS), bathymetric comparison, seismic sonar, side scan sonar, etc. Accumulated sediment thickness throughout the lake varied from 0-2.7 feet with an average of less than 6" of sediment. Historical USGS work on DCL confirmed the work done by MGS and said typically sediment depth was greater in the southern coves. The map of the ten coves is attached in the presentation. In Pawn Run, Penn Cove, Green Glade Cove, Chadderton School House, the thickness is 2-2.7 feet of sediment. Other areas were around 1.5 feet or less. Alternative analysis of different types of dredging was evaluated. The criteria used for evaluating was with recreational use benefits, cost, environmental cost, and economic and community cost benefits. "No Dredging at this Time" was found to be the most affective option. DNR supports the findings of this study. There may be some other strategies imposed at a later time if found necessary. The document will be available on the website and part of the Water Management Plan under Water Quality sub-committee tab. The findings have already been distributed to the Commissioners and the Deep Creek Lake Property Owners Association (DCLPOA). Barbara Beelar stated that the County did its own dredging impact analysis that listed 4 areas where projected property value loss could be 25-35%. There are concerns of the effects to the County tax base.

**Lake Budget: Mark Hoffman, Assistant Secretary, DNR (Copies of Financial History, and full PowerPoint are attached)**

Mr. Hoffman stated that the department is aware of the Board's concerns. The goal is to protect the lake, because it is a man-made resource, preserve its ecological balance, and maintain its use a recreational asset. Mr. Hoffman stated that he wants to focus on the role of the PRB, DCL fund, state budget process and state fiscal management. The roles of each are outlined in his PowerPoint presentation, which is attached. Mr. Hoffman explained what happens with the money as outlined on the Deep Creek Lake Financial History.

13% comes off the top to pay for shared services. Bob Hoffmann asked if the 13% came off of the gross amount. Mr. Hoffman said that it does. Barbara Beelar asked if it has always been 13%, Mr. Hoffman said that it has been. Mark Hoffman explained how appropriations and the budget process works. The budget is prepared in August and September. In October and December, DBM reviews and makes final recommendations to the Governor. In January, the Governor submits the budget to the General Assembly, this is called the allowance. In January – April, the General Assembly reviews the budget, the budget becomes law and this is what we call appropriations, which is the legal authority to spend money. July 1<sup>st</sup> the fiscal year begins and the appropriations become available. The budget amendment process is a legal process to determine where the money is allocated. PRB may want to discuss FY '16 budget now, to see how the appropriations are going to be set up. Mr. Hoffman discussed from his PowerPoint the money deposited into the lake fund, and where it goes. Mr. Hoffman passed around a handout listing the NRMA fund, and explained the functions of the fund. (Copy Attached) Barbara Beelar made a recommendation that if anyone has any questions regarding anything that they compile them together and send them to Mr. Hoffman. Bob Hoffmann asked who has authority to remove money including interest for a non-lake related matter. Mr. Hoffman stated that no one can remove money from any account without approval. Dr. Myerberg asked about the transfer of funds in 2011 & 2012, and how fund goes from a million or so in '09 down to \$40,000 in '14, where did these funds go? Mr. Hoffman explained that the expenditures exceeded the revenue and the difference had to come out of that fund balance so they were drawing down the fund balance. This draw down of the fund balance should not occur in the future.

A question was asked, “on this chart where do we see the lake funds transferred to the park?” Mr. Hoffman explains at the bottom subtotal DC 201 paid by F&P fund. FY 2012 Budget code \$200,000 were paid out of the Forest and Park Reserve Fund (F&P Fund)- \$897 DCL fund the next year \$215,000 paid from F&P fund. There was more money paid by the F&P Fund than was paid by the DCL fund. Bob Browning stated that they need better budget breakdowns and documentation. David Moe asked what the criteria are for transferring money to the park and vice versa. The criteria states that it can be used for recreational facilities. Mark Hoffman explained the organizational structure of the NRMA. The Lake Management Office will administer and monitor buffer strip use permits,

special construction permits within the buffer strip, permits for improvements within the conservation easement areas, maintain waterway navigational markers, remove waterway hazards, maintain boater statistics, assist with water quality, other scientific monitoring programs, and provide outreach and communication with the lake stakeholders. They are working on a long term financial plan for DCL.

Barbara Beelar stated that there has been a “disconnect” between legal mandates and the operation. She is concerned with the reorganization and staffing issues of the Lake Management office, there is only one full time staff person at the NRMA. She also asked, “Who is the Lake Manager?” The PRB has concerns about lake money being transferred to the park. Susan Fowler asked what the F&P fund was for, DCLSP or is that a bigger fund? Mr. Hoffman stated that it is a bigger fund.

**Control of Canadian Geese: Paul Peditto Esq., Director of Wildlife, DNR (Full PowerPoint is attached)**

Mr. Peditto discussed management options for resident Canada Geese on the lake. Six hundred birds were found on the lake before they departed due to ice this winter. Every action is temporary except destroying the adult birds. The recommended actions are as follows; 1;Habitat Modification, where Land owners can let the vegetation grow to a height that restricts goose sight will cause the geese not to nest in those areas. 2; Hunting is highly effective. Hunting on the lake is problematic; regulation prohibits hunting on Deep Creek Lake. 3; Hazing the geese (scaring them) is effective as well. 4; Nest and Egg destruction by oiling the eggs, is another option which they performed last spring.

The destruction of the adults would be performed by rounding the geese up during molting, and taking them to a food processor to donate to a food pantry. A question was asked if they would only need people in that cove to support it. Mr. Peditto said, “No” they would not need everyone to support it. Mr. Peditto stated that last year we asked them to do something, they came out and evaluated nest sites and oiled eggs. Ninety bird’s eggs were oiled, and that’s ninety eggs that didn’t hatch. An egg incubates in about 28 days. The geese are back already on open water and will be back on DCL to start nesting when the ice melts. The public is urged to contact the Discovery Center at 301-387-7067 with exact locations of

nests. This will allow for the cataloguing of the nests so they can be oiled. The POA and FoDCL will give out the contact information to call the Discovery Center. The rental offices will be contacted to educate people as well.

A permit must be obtained by landowners in order to oil eggs on their private property. Mr. Peditto's office is looking into possible hunting around the lake after all the docks are pulled from the lake. They will work on a cooperative agreement with landowners to allow hunters to come on their property to hunt the birds.

A motion was made to continue the meeting beyond 8:00 pm Bob Browning, Seconded by Barbara Beelar.

Dr. Myerberg asked what the plans are for the next two months and stated that the board members are willing to help in any way they can. Barbara Beelar gave Mr. Peditto a cell phone picture of Bradford Lake from January with hundreds of birds sitting on an open water area of the lake.

Mr. Peditto recognized Gary Fratz as being in attendance at the meeting and stated that he contributes to the State Wildlife Meetings down state as well.

**County Commissioners update: Bob Gatto, Garrett County Commissioner**

In regard to the budget process, they are working on retracting revenues because of the reassessment of District 18. They are working on the budget to see where they can lessen the impacts to make up the differences that would equate to an 8% increase in constant yield in the funding levels. They are going to continue to meet with the BOE, and they are very concerned about 2016 and the bigger scope are capital needs and the maintenance that is associated with the school system. The next meeting will be the end of the month. All of the Commissioners are very active with the legislative session, restoring funding, highway user funds, funds lost by state cutbacks, and funds needed for schools. Mr. Gatto stated that some bills, the Commissioners take no opinion on, (i.e. Marcellus Shale) because of the activity of the Governor's Commission. They are waiting on results of the commission to be finalized. Copies can be given to the Board. The Marcellus Shale Advisory Committee is looking at state funding and local needs. The Western Conveyance Deep Creek sewer system loop will run along Marsh Hill, Shinglecamp, Stockslager, Sandy Beach, and Mayhew Inn. The system was petitioned years ago, and will be going through designing and bidding again.



There has been a request to improve communications particularly regarding sewage spills. Economic Development is combining with Land Planning and Permits. After the retirement of John Nelson, the department is under the direction of Michael Koch. Wendy Yoder retired as director of finance, and Scott Weeks is taking over her position. The County Commissioners will continue to work with state agencies as evidenced here tonight. The 2014 White Water Slalom event is coming up this fall. This is a very exciting time for G.C., and will give us some very good exposure.

Dr. Myerberg asked if there was any new business: No new business

Public Comments:

Max Peterson, FT resident asked Mr. Peditto if it was possible to use a net to shoot over the geese to capture them.

Richard Matlick said meetings are usually pretty violent. He is hoping the meetings can remain this civil. He also stated that docks used to be \$20 now they are \$200.

Brian Greenberg, Green Glade section of lake, to Bruce Michael \$300,000+ for treatment and 30,000+ for prevention seems to make a pretty strong case even if it's not cost effective. We need to emphasize prevention of Hydrilla. He feels treatments are going to become recurring costs. He is skeptical that this treatment will get every plant. They need to work on prevention of reintroduction. He encourages them to be forward looking and get a hold on it.

Dr. Myerberg told members to send in their agenda topics for next meeting.

Next meeting is Monday, April 28, 2014 at 6:00, unknown location at this time.

At 8:28 p.m., Bob Hoffmann made a motion to close the meeting  
John Stakem seconded

Respectfully submitted by:

Anita Coddington  
Administrative Assistant