

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
February 3, 2014 (*Approved March 17, 2014*)

Held at the Garrett County Health Department, Room 107
1025 Memorial Drive, Oakland, MD, 21550

Members of the Steering Committee (SC) present were:

David Myerberg, Chair,
Steve Green,
Lulu Gonella,
Bob Browning,
Willie Lantz, and
John Forman

Staff to the SC participating were Catherine Shanks and Christine Conn of MD DNR, Deborah Carpenter of Garrett County and Mike Bilek of the Hughes Center for Agro-ecology, U. of M.

Welcome, introductory remarks, the approval of the January 6, 2014, minutes

Chair David Myerberg called the meeting to order shortly after noon. He noted that with six Steering Committee members participating, there is a quorum. A motion to approve the minutes was made by Lulu Gonella and seconded by Bob Browning. **The minutes from the January meeting were unanimously approved.** David remarked that having read the minutes and meeting notes from the subcommittee meetings, it appears that we are making progress.

DNR's Interactive Mapping Tool

DNR's Dr. Christine Conn demonstrated DNR's new interactive mapping tool currently under development for the Deep Creek Lake Watershed Management Plan. The link to the interactive map can be found at <http://staging.geodata.md.gov/imap/index.html?appid=0154f00211244a63be815358978f580d>. She emphasized that the map is still being updated, new data will be added, and the current view which includes the entire county, will be clipped to focus exclusively on the Deep Creek Lake watershed. The map currently includes the following datasets: Maryland Department of Planning land use land cover (2010), Garrett County zoning, septic tiers, priority funding areas, monitoring locations for stream and lake water quality assessments, and watershed and stream health assessments. She demonstrated that by clicking specific map elements, such as a water quality monitoring point (green dot) or a stream health assessment point, that additional information on the data could be accessed. This interactive mapping tool will be hosted by the State and can incorporate additional datasets for a watershed wide view of information relevant for developing, implementing and tracking success for the Deep Creek Lake Watershed Management Plan. . Christine asked if there were any questions.

Bob Browning asked about the validity of the data and stated that based on previous presentations and discussions, there was some question about the sampling protocols. Christine replied that the streams experts from DNR would be presenting at the March meeting and deferred the question until then.

David closed the discussion by adding that the map project was very impressive, and would go nicely with a dashboard tool. He added that Bob Browning's question is good, how does the stream data fit with the lake.

David suggested that the SC members begin thinking about the questions for the March presenters which will include Mr. Joe Mills from MDE on the Acid Mine Drainage work on Cherry Creek Mr. Tony Prochaska and Mr. Dan Boward from DNR on stream sampling work and assessments

Steering Committee Education

David Myerberg introduced Mr. Lee Karrh, the featured education speaker for the February SC meeting. Mr. Karrh spoke on Submerged Aquatic Vegetation, the status and trends of SAV in Deep Creek Lake (DCL) since 2010, the current management challenges and the role that the watershed management plan can have in influencing SAV populations in the future. His presentation can be found on the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>. Lee began by introducing himself indicating that he has been a biologist with DNR for the past 18 years. He offered the benefits of having healthy SAV in the lake, some of which are physical in stabilizing sediments and buffering wave energy, also chemical in that it fixes carbon and absorbs nutrients, produces oxygen, and biological, in providing food and shelter for aquatic life. It has downsides, sometimes interfering with navigation and swimming. See the slide presentation for more detail. DNR has been monitoring six sites at DCL; Lee explained why the monitoring is done. The work is an effort that takes several days per year, and the monitoring uses the transect method. Lee's presentation provides the specifics of the measurements. DNR also does a lake surface survey, at least once annually.

The results of the monitoring indicate that primarily there has been no change in the density or distribution of the SAV over the past four monitoring years. Lee indicated that grasses are expected since the lake is very clear. His presentation listed the most dominant grass species, and their distribution by depth. New this year, the monitoring found hydrilla verticillata, in the southwestern part of the lake, and DNR is presently preparing a management plan to address this new invasive. When the plan is developed, it will be implemented followed by routine monitoring in the water. The hydrilla covers an area of roughly 6 acres.

Lee asked if there were questions and there were many. Willie commented that lower nutrient levels in the lake would be better for the native species of SAV, and asked if there was any area of the lake where the water quality could be a problem. Lee responded NO the WQ is good although there could be problems in some of the coves. Steve Green followed up asking how Lee would characterize the grasses, Lee replied they are healthy, a good assortment of native grasses, and that a diverse community is a healthy community. Steve continued that SAV must be balanced with recreation and asked about impacts of clearing around docks. Lee could not immediately respond as to the impacts. Steve asked about the impacts of sedimentation and dredging, to which Lee replied that dredging could release nutrients and this would change the balance in the lake. Steve asked if native species were planted, would they recover, and Lee replied that the lake is clear and the natives would probably come back without directly planting. He added that bare bottom is not good, as it provides a place for invasives to come in. Willie asked Lee to follow up with the SC on the question of clearing around the docks, and asked if the SAV around docks are native or invasive, and Lee replied there are both and it depends on the location in the lake. Bob Browning stated that there were no SAV in the lake in the 60's and

70's, but now that they are there how are they to be kept in balance. A discussion followed about lake levels, the depth at which various species can grow and could lake levels be used as a control method. Lee stated no, that physical or chemical methods of control would be used, and that DNR is exploring options. Steve asked about the specifics of the management tools, and Lee offered that there are many ways, and all have drawbacks. Lulu asked if there are ways of preventing more invasives from entering the lake, and Lee replied yes, one option is to have a "launch stewards" program and an extensive outreach program to show boaters how to look for it. Lee stated that the final report should be ready for distribution in late February or early March. The Executive Summary has been shared with the Steering Committee and posted on the web page. David thanked Lee Karrh for his presentation.

Subcommittee Reports:

David Myerberg observed that from reading the minutes, there are a large number of questions accumulating. There needs to be a way to tabulate and manage the questions and direct them for answers. The questions may need to be prioritized. He also noted that Deborah Carpenter has been reviewing old documents for information that might be useful to the subcommittees. As information becomes available, it will be discussed in the Executive Committee then forwarded out to the appropriate subcommittee for their use.

Lake Levels subcommittee: Report by co chair Bob Browning

The second Lake Levels subcommittee meeting was held on January 8, 2014, at the Chamber of Commerce building in McHenry. Subcommittee members were joined by callers from MDE and DNR as well as members of the public. **The educational presentation was by subcommittee member Morgan France on the elements of a water budget.** Definitions, a schematic on water inflows and outflows, rainfall records, and the change in storage range were discussed. Mr. France proposed that a water budget based on:

1. the lake recharge,
 2. the past rainfall, and historic rainfall data and
 3. the changes in lake levels relative to the changes in volume from stage storage data,
- could lead to a water budget model with predictive capabilities to allocate the water resource.

It seems that the existing formula is not based on water in the lake or how much is likely to be added with time. Temperature enhancement release (TER) model or formula should be modernized using real time cloud cover data, real time flow data from Hoyes Run gage (instead of the Oakland gage) and real time temperature at the Hoyes Run Gage.

In order to address the issues and questions discussed during the meeting, it was agreed that MDE would be invited to present at the February meeting on what it uses to evaluate the factors that influence water levels, and that DNR would present on the coldwater fishery and the TER's at the March meeting. The subcommittee spent the next hour discussing questions that it wanted to raise with MDE. As the discussion continued, questions about other issues were raised, and would be forwarded to DNR for the fishery and TER discussion, and perhaps to Brookfield, if they agreed to speak to the group.

David asked if the list of overlapping questions have been sent out to the other subcommittees, and Bob responded that the Lake Levels subcommittee will retain the questions and make recommendations on them. David suggested that the other subcommittees should know what the

other committees are working on. Catherine Shanks has been tasked with making sure overlapping questions are discussed with the other staff contacts.

Water Quality subcommittee: Report by Willie Lantz

The subcommittee met on January 22nd from 10 to 12:30 pm at the UofM Extension office in Mountain Lake Park. Willie stated that the subcommittee reviewed the problem statements and agreed that the focus would be monitoring and water quality parameters in the lake and streams. The overlap between the other subcommittees will be addressed by Willie and Steve, who also sit on the Impacts of Growth subcommittee. There were nine questions from the first meeting from Sherm Garrison's presentation, and those answers were mostly provided by Sherm, and will appear in future Water Quality subcommittee minutes. Christine Conn will forward them to David and the SC. Bruce Michael of DNR agreed to share the current monitoring work plan agreement and schedule that extends through June of 2014, via the DNR website. Erin McLaughlin demonstrated the Interactive Map currently under development for the Deep Creek Lake Watershed Management Plan. The map can be found on the DNR website at <http://staging.geodata.md.gov/imap/index.html?appid=0154f00211244a63be815358978f580d>.

The subcommittee was successful in completing the final two Problem Statements:

1. Problem Statement 2:

SAV are a normal component of a healthy freshwater ecosystem, but may be viewed as a nuisance by boaters and swimmers in the lake. Recently found non-native species, Eurasian Watermillfoil and Hydrilla, do not provide the same ecological benefits and impact recreational use of the lake.

2. Problem Statement 3:

Sediment movement and deposition affect the habitat and recreational use of the shallow areas of the lake. Existing regulations and fees are burdensome for lakefront property owners who want to protect the shoreline. The Water Quality Subcommittee recognizes the issues of erosion and sedimentation transcend several subcommittees.

The group agreed to start working on draft goals via email. It was recommended that everyone read DNR's goose report prepared by Paul Peditto. Erin will forward an electronic copy and include it on the DNR website. Upcoming meeting dates are 2/20, 3/20, 4/17, and 5/15 pending the schedule of the subcommittee chair.

Impacts of Growth subcommittee: report by Bob Browning

The subcommittee met on January 9th from 1 to 4 pm at the Chamber of Commerce office in McHenry with all members in attendance. John Nelson, Director of Garrett County Department of Planning and Land Use, was the speaker. Highlights of his talk and years of experience provided the following insight:

- A lesson learned from the Comp Planning efforts – not all recommendations supported during policy formation will be supported at the time of regulatory implementation;
- The recommendations on the Comp Plan, enacted in the subdivision and DCL zoning ordinances, served to reduce possible density and decrease projected numbers.
- The MD sustainable Growth and Agricultural Preservation Act (aka the septic bill or Tier mapping) will serve to greatly reduce growth numbers again, especially in the tier 4 areas (those areas dominated by agriculture or forest cover, with no access to public sewerage). Tier 4 areas are prohibited from having major subdivisions (more than 7 lots).

Those numbers will be recalculated as part of the 2014 Annual Report generated by John Nelson's Office.

- Accounting for Growth regulations will further target septics with the idea that any nutrients contributed to the environment are to be accounted for by the homeowner. The coverage where those regulations are to be enacted is unknown and will not be known until after the current legislative session. These regulations as currently outlined will be applied to new development or replacements of failing septics.
- Density and growth projections are also affected by the market. The numbers projected in the comp Plan were based on a 'boom' time rate of growth. The market has slowed considerably.
- The ridgeline protection standards were watered down from the original intent, and were largely created for aesthetic reasons, not watershed protection reasons.
- Drilling in the watershed is permitted with setbacks from the high water mark the original draft recommended that the activity not be permitted.
- Wind farms are currently not permitted in the watershed. There is an amendment that would allow them in RR 20,000 feet from the high water mark and with a 200 ft height restriction.

The subcommittee also revisited the purpose and goals assigned to the Impacts of Growth workgroup. After a lengthy discussion, the subcommittee agreed on the following:

The Purpose of Impacts of Growth Subcommittee: Ensure that growth is managed in order to strike a balance between development and environmental health.

The Goals are:

1. Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions.
2. Protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity and management of public systems.
3. Promote land use policies that ensure environmental and economic sustainability.
4. Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.

David asked if the goals regarding economic sustainability are related to the watershed or for the county, Bob Browning responded that the intention is to balance economic gains with the environment. He added that what is good for the lake is good for the county. John Forman raised a point about the businesses on the lake and suggested that economic viability be added to goal #3.

Future meetings will be February 13th with topics of stormwater and impervious surfaces with Jim Torrington, Reggie Breeding, and Dave Ritchie speaking. Then in March the topic is septics and public sewerage with Steve Sherrard, Craig Umbel and Jeff Broadwater speaking. In April, the topic is recreation with Eric Null speaking.

In closing, David Myerberg commented that the full minutes of the subcommittee were excellently written and well worth the time to read.

Accountability and Public Participation: subcommittee report by Lulu Gonella

The Accountability and Public Participation subcommittee met on January 24th. Their minutes are on the DNR website. The first order was to review and revise the draft goals.

1. Improve the management structure, coordination and accountability of governance for the lake and its watershed;
2. Nurture an informed and engaged citizenry regarding the lake and its watershed.

Next the subcommittee reviewed all the management model options. At the end of the discussion, it was agreed that the options be presented to the SC at the February 3rd meeting and to ask for feedback and guidance regarding the preferred options.

Lulu spoke from a power point presentation which, along with the subcommittee report, is available on DNR's website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>.

The options considered are:

1. Do Nothing Option: Maintain current structure, funding and staffing
2. Augment the Current Governance:
 - Add staffing to the State and County who are focused on Deep Creek Lake and its watershed management issues
 - 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:
 - Non-profit independent of a homeowners association
 - 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

The discussion included the benefits and challenges of each model, along with examples of organizations currently operating under each model example.

A lengthy discussion ensued. Initial comments urged the subcommittee to focus on some combination of numbers 2, 3 and 4. Further refinement urged a combo of numbers 2 and 3. Funding, despite the tax benefits is a concern. Someone urged that this impacts the entire watershed, not just the lake. The question about the entities with whom a cooperative agreement would be signed was discussed. The need for continued oversight was mentioned, and expanding the role of the PRB was suggested. In summary, it was concluded that some combination of numbers 2, 3, and 4 were still under consideration. It was also noted that feedback from the other subcommittees would be needed for developing the recommendations.

David thanked the SC for its feedback.

Public Comments:

Morgan France commented that questions regarding a water budget have been discussed in the Lake Levels subcommittee and wanted to make sure that the questions have been sent to MDE to be considered for the Lake Level's next meeting on February 12th. In response, Mike Bilek said the questions had gone to MDE in mid-January, and that MDE would provide their presentation to the LL subcommittee to preview and provide comments prior to the 2/12 meeting.

Chuck Hoffeditz asked several questions about the interactive mapping including aerial photos, compatibility and differing resolution. Christine Conn responded that there are features to address his concerns and she could follow up with him.

Ken Fisher announced that DNR has a draft land use plan out for comment until 2/14/14. The bulk of the report relates to improving the human recreation experience, but does not cover control of DNR land or water use. There is a crossover between the report and what the SC is doing. He urged the SC Executive Committee to look at it. Christine Conn responded that the plan out for review is called the Land Preservation, Parks and Recreation Plan. The document is a regularly updated document on how DNR manages its own land. She added that she would provide the link to the document to the entire SC.

(http://www.dnr.state.md.us/land/Stewardship/LPRP_Draft_2014.asp)

David announced that the next meeting is March 3rd, at noon, at the same location, and **asked for a motion to adjourn, motioned by Bob Browning and seconded by John Foreman with unanimous approval.**

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