

## Deep Creek Lake Policy and Review Board

### Meeting Minutes

Wednesday October 21, 2020

In Attendance (in person at the Discovery Center): Chairman Bob Browning, Bob Sutton, Patty Manown Mash, Eric Null DNR. Attendees joining from Garrett County: Marta Schroyer, Robert Kelly, Commissioner Paul Edwards, Senator George Edwards. Attendees joining from outside Garrett County: Jim Bailey, Dr. Jim George, DNR: Bruce Michael, Emily Vainieri

#### **Action Agenda**

Chairman Browning asked Mr. Null for a roll call of the Board members and where they were broadcasting from, Mr. Null proceeded with the roll call. The Chairman asked for the status of the January meeting minutes. Mr. Null stated they were approved and posted to the NRMA web site in February 2020. The Chairman asked Mr. Null to read the protocols for the new hybrid meeting format to the Board and the public. Mr. Null read the protocols and informed everyone in attendance the information on the new format is located on the Deep Creek Lake NRMA website.

#### **Old Business**

##### Canada Goose

Chairman Browning asked Mr. Null for an update on the goose hunt. Mr. Null stated that due to inclement weather and icing of the boat ramp in the 2019 season, there were no geese harvested in that season. He stated that the hunt would be held at the same time this year and after looking at the statistics from the Wildlife and Heritage Service from all the previous goose hunts, weather is the determining factor of success. He stated hunters have been successful when the conditions permit them to get on the lake. Mr. Null also stated that due to the pandemic DNR was not able to explore private land cooperative hunting around the lake, but his office would continue to explore more hunting opportunities around the lake once the Covid-19 restrictions are lifted.

##### Lake Management Budget

Chairman Browning asked Mr. Null for an update on the Lake Management Budget. Mr. Null stated the office planned to purchase a new water sampling vessel to aid in the expansion of the water quality monitoring program. He also stated that the Lake Management office budgeted for new water quality meters, unfortunately due to the pandemic budgets were frozen and these purchases could not be made. Mr. Null stated that the money available for these upgrades came from the State Lakes Protection and Restoration Fund covering the cost for the Hydrilla treatment. He stated that he had just

received his final FY 21 budget and that he had been assured that purchasing will be permitted this year. Mr. Null thanked Senator Edwards and Delegate Beitzel for their efforts to fund the State Lakes Fund for three years. Chairman Browning asked if Mr. Null could provide the Board with the FY21 Lake Management Budget for the next meeting. Mr. Null stated he would distribute the budget to the Board for the next meeting.

### Brookfield Water Appropriation Permit

Chairman Browning asked for an update on the water appropriation permit for the Brookfield company. Mr. Null stated that the permit had been approved and asked Mr. Michael for an update. Mr. Michael stated that the permit approval process had been delayed by the pandemic but was now approved. He stated that some minor changes had been made such as the time of exceedance above the upper rule band had been lessened. He stated that MDE had done a great job on processing the permit and gathering public comment.

Mr. Sutton thanked Delegate Beitzel and Senator Edwards for their work securing a public meeting on the permit approval. He also stated that the permit was approved and that some of the request that were made by the Property Owners Association had been adopted. The incorporation of the water budget model made by the POA and Watershed Foundation was approved but the drought protocol that was requested was not approved. Mr. Sutton stated that the permit approval was accepted by the POA.

Ms. Manown Mash asked how long is the duration of the permit? Mr. Michael replied that the permit would be good for 10 years.

### **County Commissioner Update**

Commissioner Paul Edwards updated the Board on the two major Deep Creek Lake Projects in the County. The first project is the Silvertree Shoreline Erosion Control Project, the County solicited bids on installing 520 feet of erosion control at the area associated with Dutch's and Silvertree Marina. Downstream Strategies won the bid with a \$150k submission. They will have 18 months to procure permitting, design work and build the revetment. The other project is the Arrowhead Cove dredging project. Commissioner Edwards stated that Congress has passed the Great American Outdoors Act, which provides funding to cover dredging projects. The County has \$1.15 million dollars in Waterway Improvement Funds toward the \$2.3 million total cost. The County will be seeking the remaining money through the Great American Outdoors Act, as well as, with a request to the Capitol Budget for the additional funds.

Commissioner Edwards stated that despite the pandemic the County is doing well with their budget, he stated that the increase on real estate and tourism taxes from the busy summer should offset the cuts in State funding that the County will receive. He cautioned that this does not mean that the County has a large surplus, just that they should break even or a little better with the FY 21 budget.

Chairman Browning asked the Commissioner about the drawdown of the lake to elevation 2455 for the installation of a new water and sewer line. Commissioner Edwards stated that information will be forthcoming.

### **Correspondence from DNR**

Mr. Null stated that with the pandemic it has been the busiest season since he has been here due to the tourism. Chairman Browning asked for the yearly update from NRP. Mr. Null stated that he would send the request to Sgt. Friend.

Emily Vainieri thanked the Board for adopting the hybrid meeting protocols and stated that she did not have any update from the Attorney Generals Office.

Chairman Browning stated that he would like to investigate making concessions for members that were outside Garrett County

### **Public Comment**

Carol Jacobs asked if she could repair their launch ramp when the lake goes down. She asked when the lake will be lowered. Mr. Null stated that if the County project goes through it would be December when the water level would be dropped. Commissioner Edwards asked Mr. Null if he could share the official information about the lake level drop with the stake holders. Mr. Null stated that he would work with the POA to advertise the information.

Mr. Sutton asked if the lake level could be dropped to elevation 2455 even if the County project was put on hold. Chairman Browning stated that the Board advises the Secretary of DNR so the Board would ask the Secretary for the drop regardless of the County Project. Chairman Browning suggested to send a letter to the DNR Secretary in support of the draw down, to support the County project, as well as, the many projects around the lake that will be occurring this winter if water levels are low. The Chairman asked for a motion to send the letter. Mr. Sutton made the motion, Ms. Manown Mash second, all participating Board members were in favor, the motion passed unanimously.

Mr. Michael stated that the State Lake Protection and Restoration Fund is in its second year of three years of funding. He stated this year's open house meeting will be virtual and be on the week of November 9<sup>th</sup> tentatively. He stated that DCL received 50% of the total funding for year two.

Dr. George stated the water appropriation permit had been issued, he stated that the permit can't be challenged administratively it must be challenged in court. Ms. Beelar stated that there was a thirty-day appeal period and that period has expired.

Senator Edwards stated that the State did a good job on the water appropriation permit, working with all the stake holders extensively. He stated that the state just completed a \$3 million road project at the Mosser Road intersection. He stated that a large project has been completed at the airport to increase its capacity and that the county emergency management facility will be moved to McHenry.

Chairman Browning asked for a motion to adjourn, Ms. Manown Mash made the motion, Mr. Sutton seconded, all were in favor. The next meeting was set for November 10, 2020.

Respectfully Submitted,

Eric Null

Lake Manager