

**Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Garrett County Courthouse
Monday, October 26, 2015**

In Attendance: Chairman Dr. David Myerberg, Bob Browning, Robert Hoffman, Barbara Beelar, Asst. Secretary Daryl Anthony, Lake Manager Eric Null, Senator George Edwards, Delegate Wendell Beitzel, County Commissioner Paul Edwards, Bruce Michael, John Stakem, Deborah Carpenter, Bob Kelly, David Moe, Paul Peditto, (by phone), Steve Green and ~60 Members of the Public.

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

Introduction of Bob Kelly, new member of the PRB. Mr. Kelly is the only new member to attend the meeting, tonight and he replaces Sue Fowler. Dr. Myerberg will assemble an orientation packet for the new Chair Greg Snook.

Action Agenda: Chairman Myerberg asked if there were any changes or corrections to the July, 2015 minutes. Motion to accept was made by Mr. Hoffmann, seconded by Mr. Browning, all approved. Minutes were accepted.

OLD BUSINESS:

Chairman Myerberg announced that Greg Snook has been appointed as Chair of the PRB. The other new members, replacing Ms. Beelar, Mr. Stakem and Ms. Fowler are Bob Kelly, Marta Schroyer and Jim Bailey. The new PRB will be fully constituted at the January meeting, if that is when the next meeting occurs.

Watershed Management Plan Update:

Mr. Edwards is working to have a meeting between Dr. Myerberg (Chair of the Watershed Management Planning Committee) Roger Zbel and Jess Whittemore (both of Friendsville) regarding goals 12 and 13 of the Plan. (At the writing of these minutes, the meeting will take place on November 23.)

Report on the North Glade Run Sub-Watershed Study

Deborah Carpenter, Garrett County Director of Planning and Land Management presented a report on work funded by a grant from the Chesapeake Bay Trust regarding legacy stormwater issues in North Glade Run Sub-Watershed. One of the goals of the Watershed Management Plan is to "manage stormwater infrastructure to decrease pollution from existing and proposed development to insure healthy watershed conditions". To that end, the County has secured grant funding from the Chesapeake Bay Trust in partnership with USEPA and Maryland DNR to initiate a stormwater assessment of the sub-watershed level that will serve as a guide in identifying stormwater problems and create an action plan for addressing issues and educating residents of stormwater best

management practices throughout the Deep Creek Watershed. This grant was developed and funded based on the Watershed Plan. The North Glade Sub-watershed was chosen as number one from the 18 sub-watersheds at the lake based on a set of ranking criteria. The other four in the top five were Green Glade, Roman Nose Hill, Hoop Pole Run and Marsh Run. Ms. Carpenter presented a detailed PowerPoint presentation which is available from her. The entire story of this project can be best understood from the transcript of this meeting at pages 11-47. Also, you can read about the project and see a number of attachments at <https://www.garrettcountry.org/planning-land-development/forms/north-glade-run-stormwater-assessment> . If the County Commissioners approve the Watershed Plan, these kinds of projects can be externally and internally funded and can lead to improvement of the watershed. Without a Watershed Plan in place, external funding like that used in this project is almost impossible.

Committees:

Canada Geese:

Paul Peditto attended the meeting. (Please see the minutes for the January, April and July meetings of the PRB for detail related to Canada Geese problem leading to his presentation at this meeting.) Mr. Peditto described the basic reasoning behind the logistics for the Goose hunt on Deep Creek in the late Fall. Surveys done by Friends of Deep Creek Lake and the Deep Creek Lake POA showed that the public was favorable to the hunt. There will be three locations for the hunt: Off State Park ramp; Green Glade at Crow's Point and Off Turkey Neck. These all meet the 150 yard minimum from an occupied dwelling. These three sites will be open on 23, 24, and 25 November, 2015.

Mr. Peditto said, "These hunters would call in to make a reservation. It'd be first come, first served. If you get drawn, you'd have eight days' minimum notice that it's your day to go on that spot. We'd have a marker buoy out there. They'd get a GPS coordinate. They'd go to the marker buoy. They'd hook to that marker buoy, and they'd hunt from that site in the appointed direction. There'd be a maximum of four individuals in the boat, so they'd have to launch and hunt from an open water setup. Presumably, they're going to drop decoys." We will see how it goes. See <http://news.maryland.gov/dnr/2015/11/13/three-day-goose-hunting-season-to-open-at-deep-creek-lake/> for details.

In case the new PRB wants to go further in eliminating geese, Chairman Myerberg mentioned that in the fields that are near Green Glade, the intersection of Green Glade Road and 495, there's some big fields out there. There were hundreds of geese molting in those fields this year, and they were there for days.

Sedimentation Study:

Mr. Hoffmann, Co-chair of the PRB Sediment Study Committee reported on the progress of the group. Following the August 25th meeting with DNR, MDE and Army Corps of Engineers personnel, the Committee reconvened to decide how to move forward. They

do not think that lake-wide dredging is possible, but endorse a pilot program of localized mechanical dredging in the dry. They developed some criteria to apply against potential sites for the test. First of all, the area needs to be impacted from sediment from shoreline erosion; not stream erosion but shoreline erosion. Road access that's close to the site. There'll be permissions required to traverse private property, very likely, and preferable, it'd be an area where there are no homes present, just so equipment could get close to the lake shore. They need to include the Deep Creek Lake Manager, Eric Null, in the process of locating potential sites. They want to run by him those that we've talked about, and we may also want to expand our search to other individuals to identify a suitable site for the pilot test. Based on the meeting with Mr. O'Malley, DNR Boating, it's fair to say there's a disconnect between implementation instructions as to how money from the waterway improvement fund can be used for dredging and the bill that Senator Edwards and Delegate Beitzel were responsible for during this past General Assembly session. And there needs to be instructions created to address the kind of dredging that can occur in Deep Creek Lake. Right now those specific instructions are absent because heretofore, the money wasn't used for inland waterways like lakes. They need to reach out to a dredging contractor. They need to talk to somebody that's an expert in the field. They need to find somebody who understands they may be rendering themselves ineligible for any project that we have. They need to reach out to Bruce Michael to determine if they can use any of the \$250,000 for such a contractor.

Chairman Myerberg sent an e-mail to George and Wendell about this disconnect that Greg O'Malley talked about. Hopefully, the new Board will have an answer to this by the January meeting. Chairman Myerberg also reminded the group that the remaining \$190,000 needs to be encumbered by April 1, 2016.

Mr. Hoffmann stated that we need to get from DNR some kind of statement, some kind of policy statement, position, with regards to dredging of Deep Creek Lake. Mr. Hoffman emailed Mr. Michael with this question. The Committee is assembling a plan that can be submitted to DNR, MDE and ACoE.

Mr. Browning, who co-chairs this committee, stated that the August meeting was somewhat discouraging, but no-one said that the project, as outlined by the committee, could not be done.

Ms. Beelar does not agree with the way in which the Committee has proceeded. She believes that the group was convened to analyze the DNR Sediment report and did not do so. She does not believe that the "King Wall" should be a part of the plan because "it is not a part of the best management practices for people who do sediment removal and restoration in lakes." She has consulted with others in MD who have done such restorations and believes that "the study stops and does not go, on a cove-by-cove basis to determine sources of sediment and to come up with options, and that is what's needed." She believes that we need to answer "what is the next step in the process of developing a plan and that we also need to be working the politics. Spending the \$16 million, which is the amount that is suggested in the study, is an overstatement of actual money probably needed that can be secured from Annapolis. It's a political decision not to allocate those

funds.” She said, “Sediment is the catalyst for aging of Deep Creek Lake. We need to get it removed. It needs to be done sooner than later. If you come to the sediment-impaired coves, you see an absolute tremendous decline.”

Mr. Browning said the Committee studied the State Sediment Report and “didn't see any usefulness in tearing apart that plan because all it would do is alienate the people we're trying to convince to help us dredge.” They made a conscious decision that to conflict on that study would not be the way to go. Rich Ortt, DNR, guided the Committee in the direction of the King Wall.

Lake Budget and Strategic planning

Lake Budget committee did not meet this quarter due to possible changes on the PRB. Chairman Myerberg stated that meetings would continue after the new members of the PRB for this term are seated in January. NOTE: These meetings are extremely important in that, after the first year of funding from the State, DNR has decided to use \$300,000 of the ~\$900,000 of the lake funding stream for hydrilla control in the lake. It is likely that this will be a yearly, significant Lake expenditure in coming years. Likewise, with the transcript of the meeting, which the PRB and the public have found extremely helpful in creating comprehensive minutes, DNR has sent an invoice for \$730, which I assume will also come out of the Lake budget. The Lake faces a significant shortfall of funds for Lake Management in the coming years.

Laws and Regulation Impacting the Deep Creek Lake Watershed: Ms. Carpenter reported to the Chairman that there are no changes in the document for this year. Thus, after changes made by the AG, the document is up-to-date.

SAV's Update on Hydrilla: Chairman Myerberg

Bruce Michael, the point person on this issue is on vacation. As far as Bruce is concerned, the hydrilla is under control. There has been emergence in a very small area of what's known as curly pondweed, which Bruce is concerned with and they are watching closely. Otherwise, the hydrilla and other SAVs are being cared for in the same way that they were.

The boat inspections this year went very well. There is an issue for the Board to take up, which is that there were a small number of people who refused the inspections. It amounts to something like one or two percent of all of them, and the stewards who actually asked for and do the inspections really have no power to do anything if people decide not to have the inspection done. Something needs to be done about that. Ms. Beelar said that the new law calls for compliance by 2017. Ms. Beelar also said that everybody who was found to have invasives agreed to have the boats cleaned. Ms. Jacobs said that this could be done by regulation, now, if DNR chooses to do so. Perhaps the PRB can suggest that to DNR in January, 2016. Ms. Beelar said that this would require that the NRP do the enforcement. There needs to be a report on this to the General Assembly by the end of this year.

Land Purchase on Yacht Club Road

Secretary Anthony said that the State was working through the due diligence process and would have a decision on whether it will proceed with the property purchase soon.

NOTE: The State decided not to pursue the purchase some weeks after the meeting.

Update from the Garrett County Commission:

Commissioner Paul Edwards stated that the Commissioners are “still working through the Watershed Management Plan with the vested parties, so hopefully, in the next month we'll be able to sit down, we'll be able to sit down and iron out some lingering concerns with that.”

He also said that they were talking to the State for some development around the Wisp and on top of Marsh Mountain to get some water out of Hoyes Run. John Grey sent a letter that said he doesn't think that's a good idea, and in that letter, he recommended to pull water from the lake. The Board of Commissioners is not interested in that at all, and we've made that clear. They had a meeting with Secretary Grumbles and asked him for an alternative that makes sense. MDE has agreed to do that. He is very optimistic that they will find a plausible alternative and be able to move forward with that.

New Business:

Petition regarding lifting restrictions on personal watercraft on Deep Creek Lake

The petition and letter from Carol Jacobs, owner of The Aquatic Center, a company on Deep Creek that sells and rents personal watercraft, was distributed to the members for their consideration. The Chairman provided this petition to Mark Talty, Asst. AG, who said that DNR has no position on this, but he felt it reasonable to say that the existing regulation for Deep Creek is legal. Ms. Beelar said that Friends of Deep Creek sent a survey and received 283 responses. To the question, “do you support the removal or restriction of hours of the operation of PWCs at Deep Creek Lake as requested in their petition? - yes is 11 percent, and no is 89 percent.” To the question, “Is it okay for the Policy and Review Board to vote to approve this petition at the October, 2015 meeting, or should the PRB get further input from lake property owners?” - Okay to approve was 12 percent; delay the vote and seek input from lake stakeholders, 88 percent. 162 people made comments, many stating there are “too many boats on the lake as there are, already.” “The recreational resource is going downhill.” “It is not safe already.” They want data on number of boats. They want information from the Natural Resource Police on accidents. She said that a “Carrying Capacity Study” has not been done since 2003. Ms. Jacobs said that she would like to postpone the discussion about the petition to the next meeting of the PRB. The Board agreed with this and the fact that more information is needed prior to responding to the petition.

The next PRB meeting will be arranged by the newly constituted Board as suggested by new member, Bob Kelly. Mr. Kelly suggested that the first meeting of the year occur on January 4.

Public Comments

Gail Getty: member of the Concerned Citizens of Turkey Neck in opposing the purchase on Yacht Club Road. She was under the mistaken impression that the PRB was in favor of the land purchase by DNR. She believes that the lake area of this proposed park is a “pinch point” and is dangerous. She believes that it is a bad idea to have an unmanned park. She believes that if DNR makes this purchase then they will be breaking covenants in the lease. (Senator Edwards said that this purchase is a State decision and there is a group looking at such purchases through project Open Space, Rural Legacy and the MAL program.) She believes that the expenditure of \$1M is too much for this “scant” piece of land. (Senator Edwards said that this was appraised by certified appraisers and followed the law.)

Brian Greenberg: Mr. Greenberg feels that the Sediment Committee is not addressing the real issue of the 10 impacted coves in the right way. Sediment is a major problem. He believes that the State’s belief that dredging the lake is not in the best interests of the State is misplaced. He believes that “instead of being too timid to address the problem with DNR, what we need is these facts out on the table and to push DNR to say, your policy, DNR, is not appropriate to your science, and it's not appropriate to the COMAR management for best recreational, ecological, and natural resource outcomes.” He does not believe that the King Wall is the best solution. He does not think there was encouragement for this at the August 25th meeting. He believes that we must “remove the sediment, de-water it, and take it to another site.” He believes that “What we have in the lake now is a self-generating sediment process, which is creating more and more and more because of the aquatic invasive plants, the changes in nutrients and the water quality in the lake.”

Richard Matlick: Mr. Matlick stated that he wants to be sure that the PRB leads the way in making sure that all stakeholders will be heard regarding the water release regulation that is coming up for review in 2019.

Joan Mortenson: represents 500 people regarding the Concerned Citizens of Turkey Neck. She wants to thank Paul Edwards for taking the time to listen to the group who are opposed to the park in Turkey Neck and writing a letter to Secretary Belton. She thanks Senator Edwards “for listening to our concerns during the Maryland Federation of Republican Women Convention, which unanimously voted to support the Concerned Citizens of Turkey Neck.” She wonders if there's a way to introduce a bill or to continue to maintain these resources that we have and, keep them up instead of continuing to buying property in Garrett County, which takes away money from the tax base. There are also significant legal issues with this purchase.

Motion to adjourn made by Mr. Stakem, second by Mr. Hoffman, all were in favor.
Meeting adjourned at 8:25 PM.

Respectfully Submitted,

David Myerberg, Chair,

from the Transcript