

Deep Creek Lake Policy and Review Board

Quarterly Meeting Minutes

Monday October 23, 2017

In Attendance: Chairman Greg Snook, Delegate Wendell Beitzel, Bob Browning, Commissioner Paul Edwards, Robert Hoffman, Robert Kelly, Senator George Edwards, Marta Schroyer, DNR : Eric Null, Lt. Harry Cage, Julie Bortz

The meeting was called to order by Chairman Snook at 6:00pm. Chairman Snook asked for a motion to approve the minutes from the July meeting, Mr. Hoffman made the motion, the motion was second by Mr. Browning, and all board members were in favor. The minutes were approved unanimously.

Old Business

Canada Goose Hunt

Mr. Snook asked Mr. E. Null for an update on the Canada Goose Hunt at the lake. Mr. E. Null reported that the hunt would occur on the same week, Thanksgiving week, and begin Monday and end Wednesday of that week. Mr. Snook asked this hunt was advertised, Mr. E. Null stated that the Wildlife and Heritage Division advertises all their managed hunts on their web site. Chairman Snook asked Mr. E. Null if the season could be longer, Mr. Null stated that the season must be this short due to the other recreation on the lake and the ice. Mr. Null stated that the ice was the limiting factor of extending the season.

Lake Management Budget Update

Chairman Snook asked Mr. E. Null for the update on the Lake Management Budget. Mr. Null stated that the Hydrilla treatment contract for next year was being completed and will cost less than the year before; Mr. Null stated that the treatment cost would be approximately \$151K. He reported that last years treatment was \$176K. Mr. Hoffman asked if the new Hydrilla find in Arrowhead Cove will be treated. Mr. Null stated that it would be and that original Hydrilla treatment zones have responded so well that a more targeted approach will be started on these areas.

Wake Boat Update

Chairman Snook asked Mr. E. Null for an update on wake boat complaints. Mr. Null reported that his office received over 50 complaint calls that occurred mostly in the far southern area of the lake. He also stated that the complaints were not emanating from wake surfing, but from the wake boats cruising with their ballast tanks full. Chairman Snook asked if the complaints came from narrow coves, Mr. Null stated that a few complaints came from narrow areas, but Deep Creek Cove and Green Glade Cove had

the most complaints. Chairman Snook asked Mr. Null if he thought the education component was working. Mr. Null stated that while there are complaints the boat descriptions and areas where the complaints are occurring involve only a few wake vessels, while there are many wake boats on Deep Creek Lake. Mr. Null stated that he believes that education is working, and that Lake Management will continue to work with user groups and DNR to expand the educational component. Mr. Hoffman stated that 50 plus complaints is a large number and questioned if education was working or if more time was needed for education. Mr. Hoffman asked Mr. E. Null if a regulation such as buoy deployment was proposed by the Board would it would have to go through the full legislative process. Mr. Null stated yes. Mr. Browning asked Mr. Null if he had any record of how many wake boats were on the lake. Mr. Null stated "no", but he is seeing more operating on the lake this year. Mr. Kelly expressed concern with the amount of erosion caused by the wake boats and the burden that is put on permit holders to pay to repair the wake boat damaged shoreline. Mr. Hoffman asked if there was any DNR feedback from other lakes in Maryland on this topic, Mr. Null stated that Deep Creek Lake was the only State-owned lake where wake surfing could occur. Mr. Browning stated that Mr. Null gave a report that education needs another push, and we need to promote that push. Mr. Kelly asked if a map of the coves that were too narrow could be distributed. Mr. Browning stated that if any future position on regulating wake boats is taken by the Board it should be a State-wide regulation, not a Deep Creek Lake specific regulation. Chairman Snook asked Mr. Null if Lake Management could enclose a map with the annual permit distribution. Mr. Null agreed to send more information to the permit holders.

Water Quality Monitoring Update

Chairman Snook asked Julie Bortz of DNR for an update on the water quality monitoring program. Ms. Bortz stated that the new near shore water quality monitoring had completed its first season and the data collected was currently being processed. She also reported that the Hydrilla Control program has been very successful and that the historical Submerged Aquatic Vegetation Surveys were remaining consistent. Chairman Snook asked for a more detailed report of the new data for the January meeting. Mr. Hoffman asked if there was still zebra mussel monitoring being done at the dam. Mr. Null stated that Brookfield monitors as part of their MDE permit.

County Commissioner Update

Commissioner Paul Edwards presented the county update. Commissioner Edwards presented Mr. Kevin Null to give the county update on the dredging application and the State Lakes Protection and Restoration Fund. Mr. K. Null stated that Secretary Belton is interested in hearing from the board regarding their position on supporting the funding of the State Lakes Protection and Restoration Fund. Senator Edwards stated that the legislators are working to provide the fund with \$3million dollars annually. He stated that the fund would allow DNR to distribute the money to each lake for the most needed projects for the individual lakes. Delegate Beitzel stated that he suggested that it could work like the Ocean City Beach Restoration Fund where the fund would have a ceiling and money would be added to maintain the fund at the set ceiling. Senator Edwards used Lake Habeeb's Hydrilla infestation as an example of a project that could receive funding from the bill if DNR supported that project. Commissioner Edwards suggested that the Board write a letter to Secretary Belton to support the fund.

Mr. K. Null stated that he would like to discuss the dredging application that the county had submitted for Arrowhead Cove. Mr. Null stated that the application was designed around the priorities of the Waterways Improvement Funding. The Deep Creek Lake cove that best met the criteria for the

Waterways funding was Arrowhead, the criteria that were evaluated were expansion and improvement of boating, public boating access, safety, projected expenditures, and local priority. Mr. Null asked the board if they could write a letter to the Secretary in support of the application. Mr. Null also asked the board for support to allow the county to utilize the ear marked \$250k from DNR to be used on the dredging permit application and planning. Mr. Null stated that the DNR money would also be spent on monitoring efforts of the area before and after dredging takes place. Mr. Hoffman stated that it would be good to have a complete set of baseline data before dredging begins to quantify the effect of dredging. Chairman Snook asked for a motion to support the county's request by sending the two letters to Secretary Belton. Mr. Hoffman made the motion, Mr. Kelly second the motion. The motion passed with no objections.

Chairman Snook asked Senator Edwards if he had any other legislative updates, Senator Edwards stated that the only other update was that the new session was approaching so if the board had any suggestions please send them soon.

Delegate Beitzel stated that DNR has been trying to combine boating registration and MVA offices. He reported that the current plan is to move the Rocky Gap Licensing and Registration office to the Fredrick MVA office. Delegate Beitzel stated that this move would leave most of Western Maryland without a close boating office. Senator Edwards stated that the only thing that could be done at this point is to write a letter to the Secretary. Mr. Browning stated that the minutes should reflect that the PRB board is not in favor of the Rocky Gap office being closed. Chairman Snook asked that the minutes reflect that the Board would prefer the operation to be closer to where boating activities occur, such as Deep Creek Lake. Mr. E. Null stated that the Lake Management Office receives a large volume of calls regarding where can an individual complete their boating registration paperwork, when informed that the closest office is Rocky Gap many individuals are not happy that they must drive to Rock Gap. Delegate Beitzel suggested letters of request give the suggestion of moving the office to Garrett County closer to Maryland's largest lake. Chairman Snook stated that he would sign and send a letter to the Secretary that asked that the office not be moved further from Deep Creek Lake. Mr. Bob Nichols stated that Bills Marine has had trouble with the current Rocky Gap office not accepting their paperwork and insisting that the individual drive to Rocky Gap and sign the title paperwork at the Rocky Gap Office.

New Business

Water Quality Monitoring Funding Proposal

Mr. Kelly stated that he would summarize his proposal to fund increased water quality monitoring. Mr. Kelly stated that in 2009 there was a proposal that lay out that by 2014 certain objectives in water quality monitoring be met. One of these objectives was the monitoring of the coves and tributaries of Deep Creek Lake. He stated that it is 2017 and we are behind that goal and according to DNR the baseline data of the coves will not be completed until 2022 using the current equipment available. Mr. Kelly stated the historically we have monitored the deep-water areas of the lake but to assess the complete lake water quality the shallow areas must be sampled. This must be done before dredging takes place. He stated the DNR can not attempt to manage the lake if it does not know how it works. He reported that there is a three-step process for dredging; determine water quality, find and mitigate the

sources of pollution and then consider dredging. Mr. Kelly stated that it seems like we have put the cart before the horse.

Mr. Kelly stated that he was tasked with writing a report that would explain the problem and offer solutions. It is estimated that the purchase of three water quality monitors would be sufficient to complete the monitoring by 2019; the cost would be \$75K-\$85K for the meters. This would allow for the monitoring completion to coincide with the start of dredging in Arrowhead Cove. He stated that the POA sent an e-blast that stated that sediment remediation is part of the dredging project, there are criteria for this mitigation, without water quality monitoring these criteria can not be met. Mr. Kelly said there are four ways to finance the needed increase in water quality monitoring. The State Lakes Protection Fund is one funding source but there is no money available in that fund yet and money would not likely be available until after dredging has begun. Option two is increase dock fees, an increase of 7.5 percent would yield \$56K-\$58K, which would purchase two more meters; an increase of 11 percent would yield up to \$83K. The increases would work out to 15-22 dollars per type A dock. Also, the PRB would have to request that the County waive its 25% fee for the one-time dock fee increase. Mr. Kelly said that he believes that this increase is worth the investment of commercial entities on the lake to protect their investment (i.e. the lake). Option 3 is to approach the state legislator to find general funds to pay for the project. The final option is to ask DNR, but the Lake Management Budget can only afford 20K. Mr. Kelly asked given the information presented what will the PRB's action be.

Chairman Snook asked Mr. E Null what the process is for a dock fee increase. Mr. Null stated that a fee increase must be approved by the board in a vote. Then Lake Management can pass the approval up the chain for the increase. Mr. Browning stated that he supports the shallow water quality monitoring and this project must be prioritized higher, but he does not support the fee increase due to the large increase that commercial permits will have to pay. Mr. Browning stated that the project needs to be funded but taking the money from dock fees means that only property owners are paying for the management of the lake and not the other people that use the lake. Mr. Hoffman asked Mr. E. Null what was needed to concentrate monitoring efforts on Arrowhead Cove so that baseline data is collected before dredging begins? Mr. Null stated that \$40k would allow for Arrowhead to have monitors placed in it all season recording a full seasonal baseline. This \$40k would allow the other monitoring to keep the pace to finish by 2022. Chairman Snook asked Mr. Null if he could fund any monitoring units, Mr. Null stated that he could fund one unit. Mr. Null stated that with two additional units that could be dedicated to Arrowhead for one season the rotation time of the other units would remain the same. Mr. Hoffman suggested that the Deep Creek Watershed Foundation could advertise the funding of additional units as a project to solicit donations for the equipment. Chairman Snook asked Mr. Null if he could dedicate units to Arrowhead cove for next season to establish the baseline data. Mr. Null stated that he could prioritize Arrowhead cove so that baseline data can be collected within the dredging time frame.

There was discussion among the board to the importance of having this baseline data for Arrowhead cove before dredging. The board supported the collection of the data and asked Mr. Null to deploy the continuous monitoring units in Arrowhead next year to collect the data. Chairman Snook asked for a motion to allow Mr. Null to purchase a new continuous water quality meter for Arrowhead cove using what funds he had in the Lake Management Budget, Mr. Browning made the motion, Mr. Kelly second, all were in favor. The motion passed to purchase the new meter.

Chairman Snook asked Lt. Cage if he had any NRP updates. Lt. Cage stated it was a very safe year on the lake. Lt. Cage commented on the length of education time on subjects such as boat operation buy stating that it is not in policy, but it is the practice of the NRP to give one year of education when a new regulation is adopted. Chairman Snook asked Lt. Cage if he could send the board the yearly summary of citations and violations on the lake. Lt. Cage he would be sending that information to the board.

Public Comment

Ms. Barbara Beelar recommended that the board ask a representative from MDE to attend the January PRB meeting to present their data on suspended solids in some of Deep Creek Lake's tributaries. Ms. Beelar also referenced several articles in the National Lake Management Society that deal with wake impacts, she asked the board to read the articles and other research that deals with the impacts of wake boats. She also requested that the board review the 200ft wake surfing regulation and request a larger set back. Ms. Beelar presented the Board with information that outlined a possible proposal to install minimum wake buoys in all shallow coves at Deep Creek Lake. She asked the board to review the information.

Mr. Richard Matlick stated that a wake boat manufacturer is claiming that their vessel can produce a 7ft wake. He stated that regulations on wake boats were not made for wakes that tall and should be revisited. He also states that the proposed dredging will not only help water quality but enhance recreational boating and swimming.

Mr. Morgan France stated that to dredge with no plan for preventing future sediment from entering the lake was foolish. He stated that there were several mitigation options. In streams a sediment trap could be built to catch sediment before it enters the cove. He stated that shoreline erosion can be controlled by permitted revetments and vegetation and by also allowing the lake level to be dropped to 2450 in the winter to allow runoff to deposit sediment in deep water. Mr. France also stated that he would do whatever he could to ensure that the baseline water quality data collection in the coves is funded.

Mr. Al Silver stated that sedimentation is a problem at Deep Creek Lake and while there are many costly structures and projects that can be implemented, one that costs nothing is the enforcement of the current boating setbacks. He also stated that the educational component of the marina rentals was insufficient and that anyone operating a vessel should have a full boater's safety course.

Mr. Tim Kline stated that the most important issue with wake boats is the ballast they carry. He stated that a vessel hitting a large wake generated by a wake boat with full ballast could capsize. He asked that DNR consider limiting wake boat usage to the center of the lake.

Ms. Karen Myers stated that if marina owners could have descriptions of the wake vessels being negligently operated that they would approach the owners of the vessels with educational materials. She also stated that erosion of the shoreline has always been a problem, even before wake boats.

Mr. Ed King stated that a mitigation strategy must be in place before dredging begins or else we are wasting money dredging. Mr. King stated that the State should be paying for the permitting and design of the shoreline erosion walls that are being installed.

Mr. Brian Greenberg stated that the watershed plan must be implemented to address the sediment issues. He stated that enforcement of boating regulations and sensible boating management must also be implemented.

The meeting was concluded at 8:12pm

Respectfully Submitted

Eric Null