

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
January 6, 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,
Bob Hoffmann,
Willie Lantz,
John Forman,
and Pete Versteegen, Vice Chair.

Staff to the SC in attendance 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 December 2, 2013, minutes

Chair David Myerberg called the meeting to order shortly after noon. He asked if there were any members of the public who did not know the members of the SC, and seeing none, dispensed with the introductions.

The chair stated that one of the subcommittee members appointed at the December meeting, Donald Hershfeld, has neither responded to several emails and at least one phone call, nor has he attended either meeting of the subcommittees to which he has been appointed. David proposed that Mr. Hershfeld's appointment to both the Water Quality and Lake Levels subcommittees be rescinded. After minimal discussion **Bob Browning motioned that the appointment be rescinded seconded by Bob Hoffmann. The motion carried unanimously.**

Regarding the December SC minutes, David noted some spelling errors that Mike corrected, and asked if there were any other corrections or additions to the minutes of the last meeting. **Seeing none, he asked for a motion to approve the minutes, motioned by John Forman, with a second by Bob Browning. The motion passed unanimously.** David noted that the approved minutes will be posted on the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>.

A Review of Subcommittee Guidance

Dr. Myerberg asked Catherine Shanks to review the document she had prepared providing guidance to the subcommittees. The document can be found on the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>. Catherine began by giving a quick overview of the document. She reiterated the tasks of the subcommittees are: to review the background information and research available, refine the goals, develop objectives and strategies and identify short term and long-term priorities. Focus first on the problem statements, this is the key area. Prioritize as necessary and develop actionable approaches to address the problem. Some strategies will be short term, others will be long term, so prioritize them accordingly. Also, indicate who is most likely responsible to implement the strategies. David thanked Catherine

and added that Chapter 4 of *A Users Guide to Watershed Planning in Maryland* (also on the DNR website) is important to read to add to the information on this topic.

Steering Committee Education

David introduced Mr. Jim Torrington, Chief of the Permits and Inspections office of the Garrett County Planning and Land Development department, and thanked him for taking the time to speak to the SC. The pre-meeting reading for Jim's presentation can be found on the January 6, 2014 SC agenda on the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>. Jim began by stating that he has been with Garrett County for over 26 years, and provided a handout to those in attendance.

The handout is an excellent outline of the presentation that followed. Jim began with Erosion and Sediment Control history and the purpose of the ordinance, and focused on the current Erosion and Sediment (E&S) standards, which are new as of 2013. Under section v of the outline, Jim noted that new E&S standards establish a grading unit of 20 acres of disturbance at a time but added that the Four Mile Wind Project proposes to disturb 120 acres. He continued with stormwater, giving the highlights of the 2010 ordinance, and explaining the stormwater standards. He stated that the county reviews the plans for E&S and Stormwater and the Garrett Soil Conservation District (SCD) approves the E&S plans. The County is responsible for approval of the stormwater element of grading plans. He explained that many of the subdivisions developed over the years provided stormwater for the road network only and that each individual lot would have to address stormwater management as they were developed. Jim continued with the Grading permit process adding that once the plan is approved, MDE is responsible for inspections during construction. Once the project has been completed and stabilized, MDE releases the project to the County for stormwater as-built review, inspection and release of the required bond. He closed with a discussion of the permit process in the county and the spreadsheets showing the approved building permits from 2004 to the present. The county has a database of 450 projects that required stormwater management and are inspected every three years. A plan is in the works to map the projects that are inspected. A question about stormwater inspections revealed that there is one person doing inspections, and that works out to about 150 inspections a year.

Questions and comments from the SC and the audience followed. A comment was offered that businesses voice concerns over how long it takes to secure approvals. Jim replied that the permit applicant must hand carry the application to the various entities required in the approval process and often times State approvals take some time to acquire. A question was asked about going back to the developer if it is found that their development is out of compliance. Jim's response revealed that many projects were 'grandfathered in' under the pre 1984 standards of "no stormwater management required." A comment was offered about providing incentives to old developments around the lake prompted the reply that any incentives (under the category of new regulations) should have to be applied countywide. A discussion ensued about developments in need of stormwater maintenance that fall under the responsibility of a Home Owner Association (HOA). Often, one of the biggest problems the County faces is finding the proper contact for the HOA. A comment was made that the Board of Realtors maintains an updated list on the HOA's. Also, dock permits are updated annually and should have the HOA contact information where applicable.

The lack of maintenance for stormwater management ponds was discussed at one of the subcommittee meetings. Jim Torrington said that typically when a developer sells 75% of the lots, the common areas are 'deeded' over to the HOA whether one has been established or not. A discussion ensued. The county has authority in stormwater maintenance issues and could make the remedial maintenance required, and in turn assess the property owners within the development for the costs. David thanked Mr. Torrington for his efforts.

Subcommittee Reports

David reminded everyone that the membership of the four subcommittees was decided by full SC vote at the December SC meeting. Also at that meeting it was decided that each subcommittee would report back to the full SC on the actions that transpired at each subcommittee meeting. Following are the four subcommittee reports.

Lake Levels subcommittee: Report by co chairs Bob Browning and Bob Hoffmann

The first meeting, held on December 18th at the Visitor's Center in McHenry, was very productive, featuring intense conversation outlining where the membership stood on the lake levels issue. Represented on the subcommittee are trout fishery, whitewater interests and the lake residents and users. The power plant is not at the table. The agenda called for each person to share their position and it was a good rational discussion. The discussion focused partly on the Temperature Enhancement Releases, (TER's) with DNR Fisheries staff Alan Klotz, Don Cosden and Ken Pavol, a member of the public, fielding most of the questions. The next discussion identified the gaps in information, which will result in the subcommittee reaching out to the experts to provide background and answer questions. The next meeting is 1/8/14 at 1 pm.

David Myerberg asked, "...without Brookfield (participating) can the subcommittee get answers?" Bob Hoffmann answered that DNR's Shawn Seaman offered to address many of the TER questions and at the upcoming meeting on Wednesday, agenda time is dedicated to developing a full list of questions for all groups. David replied that if a set of questions were developed for Brookfield, they would probably come to a meeting. Bob Browning suggested that the entire SC might be interested in hearing the presentations from MDE and Brookfield, and if Open Meetings Act (OMA) requirements were followed in advance, that would be OK. Mike (staff to the LL subcommittee) read through the initial set of questions from the December meeting. David said he would keep Brookfield on notice that there are questions to be answered.

Finally, Mike shared a conversation he had had with DNR's Alan Klotz that morning regarding the loss of the member representing the trout fishery. Several people from Trout Unlimited are interested in serving on the subcommittee but will be traveling and will miss many of the LL meetings. So, Trout Unlimited is interested in providing a 'tag team' of participants to the subcommittee, recognizing that they would speak with a united voice and retain only one vote. After discussion the SC decided this approach was problematic, and **voted that the SC would contact TU chapter president Neil Jacobs to determine whom the one rep to the LL subcommittee would be. The motion was made by Bob Browning with a second by Bob Hoffmann, and carried unanimously.**

Water Quality Subcommittee: Report by chair Willie Lantz

Willie reported that the first meeting began with housekeeping issues. A set meeting time was selected and it was found that it conflicted with another standing meeting so the next meeting is January 22nd at 9 am. DNR staff Sherm Garrison presented an overview of DCL water quality,

based on 2009 to 2011 monitoring. This report will be available on the DNR website under the Water Quality subcommittee meeting notes. The bottom line is that the water quality in the lake is good. Chlorides, or conductivity is in an upward trend. Questions from David Myerberg and Bob Browning asked if that upward trend continued what would be the outcome, and Christine Conn, staff to the SC and the Water Quality subcommittee replied that it could impact fish and their survivability. WQ member Ken Fisher added his concern about chlorides. Specifically, chloride levels are increasing but below EPA standards. Conductivity is changing too. Is this due to chloride or something else? He added emphatically that there is the need for continued monitoring. As discussion continued, it was noted that the DNR-convened WQ workgroup (of 2007 through 2013 funded by the DNR Park Service), had performed sampling and monitoring. Further discussion concluded that there is the need to set new WQ monitoring goals and to re-think the structure (or existence) of the now defunct DNR led group.

Willie continued by discussing that agendas for the future meetings will include septics, stormwater and roads (to be coordinated with the Growth subcommittee). Again, OMA (Open Meetings Act) requirements would need to be followed. The suggestion was made that a press release be prepared to announce the meetings, and meeting minutes would be prepared and posted for all of the subcommittees to cover the OMA requirements

The Growth Subcommittee: Reported by Steve Green, chair

The first meeting was held on December 19th at the Visitor's Center; housekeeping issues and meeting dates were decided; the group's purpose was discussed, and the problem statements were reviewed. It was decided that the next meetings would focus on land use, stormwater, septics, and recreation, and that speakers on each of the topics would be invited to present.

Accountability Subcommittee: Report by Lulu Gonella, chair

Lulu stated that the meeting notes will be posted on the DNR website. Their meeting was via conference call on December 17th. Housekeeping was covered and the problem statements were reviewed. For the work of the subcommittee, accountability regarding Lake Management is intended to represent the watershed as a whole and not just the Lake issues. Several entities presently regulate and influence what happens on the lake and in the watershed and they are represented on the subcommittee. Catherine Shanks and Eric Null presented on DNR, John Nelson presented on the County, and David Myerberg presented on the PRB. Understanding the current state assists with developing a vision for the future state. There are other models of lake management which will be reviewed, considering examples in Virginia, Pennsylvania, and elsewhere. The North America Lake Management society may also be able to provide information. All of the models will be considered as options for the future of DCL, regardless of how challenging they might be to implement.

Lulu mentioned David's parable and asked that it be added to the website, since it is germane to the problems facing DCL lake management. (There are constant changes in leadership and staff, so how do we see this initiative through, to make sure that a new model works). David also mentioned the concept of a 'dashboard', as a way to interface with all the different groups that affect the lake. Dashboard is a relatively new concept, but could answer the question "...how does a group of interested people keep track of all the different issues". Someone commented 'how will we get all this done by May or June'. Regarding models to consider, Steve Green suggested looking at Lake Wallenpaupack in Pennsylvania, although there's a big difference in water quality. The subcommittee hopes to select five lakes to do similarity comparisons and

come up with models and examples of governance structures that could apply to DCL. Bob Browning added that all options should be open for consideration. Funding also needs to be considered.

David called for a short break.

Updates

Upon reconvening, Updates was the next agenda item.

The Organizing of our Documents:

Pete Versteegen gave a short presentation on the organization of our documents. The categories of documents are important to the logical retrieval of information by the users. A question remains about how to present the info using a database, and would that info be housed at DNR or would it be a separate URL. Pete suggested it would have to be whatever DNR was comfortable with, and Catherine Shanks said she would check it out with DNR's IT security people. Pete concluded that a separate DCL URL for all the data would probably be easier. Pete will continue to explore the issues and options to address the solutions.

More on Document Organization:

David Myerberg reported that work on a compendium of the laws and regulations concerning Deep Creek Lake has been completed. It has been reviewed by staff from the Attorney General's office, and will next be reviewed by legal staff from Garrett County. Upon completion of the review process, it will be posted on the Garrett County website.

Adding members to the Subcommittee:

This was discussed during the Lake Levels subcommittee report.

The DNR Website:

Catherine Shanks reported that the new items will be posted shortly, and when that task is completed, the website <http://www.dnr.state.md.us/deepcreekwatershedplan/> will initiate an email 'blast' to everyone who has subscribed to receive the notices.

DCL Watershed Management Plan Characterizations:

Dr. Christine Conn reported that new characterization reports have been completed and will shortly be posted on the DNR Website <http://www.dnr.state.md.us/deepcreekwatershedplan/>. The new characterization reports include wildlife and rare species habitats, streams, SAV, and water quality. And, as was reported last month, characterizations for fisheries and forestry also have been completed and can be found on the DNR Website.

David asked if there were any other updates, future agenda item suggestions or announcements for the good of the group. Seeing none, he asked if anyone had signed up for public comments.

Public Comments:

No one had signed up for public comments, nor did any member of the public have anything to add. A listener on the conference call line spoke up, identifying himself as Steve Del Bianco, and asked if he could raise a concern about lighting on the lake that interferes with the natural setting. It was suggested that he contact the County's Planning and Land Development office and was given the phone number.

Seeing or hearing no additional comments, David asked for a motion to adjourn, motioned by Bob Browning, seconded by Bob Hoffmann, and unanimously approved.

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