

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
March 17, 2014 (rescheduled from March 3, 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,
Pete Versteegen, vice chair,
Steve Green,
Bob Browning,
Bob Hoffmann
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 February 3, 2014, minutes

Chair David Myerberg called the meeting to order at 12:15. He noted that this is the sixth meeting of the SC; the rescheduled March 3rd meeting that was postponed due to weather.

David asked if there were any corrections to the minutes from the February 3rd meeting. No corrections were noted and David asked for a motion. A motion to approve the minutes was made by Bob Browning seconded by Bob Hoffman. **The minutes from the February meeting were unanimously approved.**

David's introductory comments followed. He is impressed by the subcommittee work and is equally impressed by the presentations given by state staff, county staff, and the dedicated volunteers participating in this process. He also offered thanks to the staff and noted that we're closing in on April, and getting near the end of our project. David wrapped up his comments by reminding all participants of the need for timely review of work products so that the process can be kept moving.

He asked if the SC had any additional ideas for educational speakers. No one commented.

SC Education

David introduced Mr. Tony Prochaska, the first featured education speaker of the day. Mr. Prochaska spoke on stream health in the Deep Creek Lake watershed.

Tony spoke following a power point presentation which can be found on the DNR website at <http://www.dnr.state.md.us/deepcreekwatershedplan/>. He began with an overview of his presentation, then proceeded covering the importance of streams and rivers, the method of classifying the streams in the DCL watershed, the size of the streams, the use of USGS StreamStats and what it tells us. He discussed the Water Quality standards that MDE uses to apply the data that DNR provides to them and that the Use Designation of DCL streams is Use III-P, non-tidal coldwater with a

public water supply designation. The specifics of this and other use designations can also be found in COMAR at this link: <http://www.dsd.state.md.us/comar/getfile.aspx?file=26.08.02.03-3.htm> Tony continued with the discussion of Tier II waters, and the MDE/DNR collaboration to designate waters through the DNR/MBSS stream sampling data. The link to MBSS (Maryland Biological Stream Sampling) is at <http://dnr.maryland.gov/streams/MBSS.asp> Tony continued, covering the various monitoring programs at DNR and MDE. Next, stream biodiversity was covered then on to the multi-metric index to rate stream health or the IBI. Tony gave a thorough explanation of anthropogenic (human) impacts as it relates to stream health; slides show the MBSS sampling locations and the IBI scores. The scores are low, indicating poor stream health, likely due to acidity and human impacts. Tony also showed a slide on the growth that has occurred in the DCL watershed at two points in time, as well as a slide on the general impacts of impervious cover on stream health. He concluded by suggesting that the links provided on the agenda provide a good source for more information, and offered a few “Management Recommendations” among which are buffer plantings and additional monitoring.

There were several questions including the source for the rainfall data. Tony promised to follow up with more information. A clarification on Use III, the P designation, and the difference between Use III and IV was given by Tony as a result of several questions. Use II is the designation for waters that support the reproduction of Trout and Use IV supports adult Trout for put and take fishing. The P designation protects waters for use as a public drinking water supply. Tony clarified that no Tier II designations existed due to the sampling that is required and has not occurred. He added that targeting of streams with Tier II classification potential could be considered. A question about return on the investment of time, effort and money needed for buffer plantings again brought out the need for targeting areas for the best potential return. Questions continued around topics including the Use designations, the P designations, the temperature mixing zones, and IBI criteria as it relates to higher elevations, (Highlands criteria is different than Coastal or Piedmont criteria). A final point was made regarding the impairment question. Tony clarified that some of the streams at the 8-digit watershed scale (this covers the entire Deep Creek watershed) were biologically impaired, and it is upon this data that MDE designates impairments. The MDE Watershed Report for Biological Impairment of the DCL Watershed... (See MDE report of January, 2012, to EPA) is based on the acidity and anthropological impacts based on the stream sampling. Some conversation continued around the issue that Maryland Smart Growth drives development in the direction of the areas where infrastructure occurs. David thanked Tony Prochaska for his presentation.

The second part of the SC education featured Joe Mills, of MDE’s Bureau of Mines program discussing Acid Mine Drainage (AMD) mitigation work done on Cherry Creek in the DCL watershed. Joe’s power point presentation can also be found on DNR’s webpage as previously referenced. Joe began by prefacing that his presentation is case study rather than data oriented. He explained what acid mine drainage is, and that in 1981, DNR’s Power Plant Research (then Siting) Program found that 50% of the acid coming into DCL was from Cherry Creek, the other 50% was from atmospheric deposition but that the lake is buffering much more acid than it ‘should’. The reasons for this were unknown. Knowing that wetlands neutralize AMD, the Wetlands “Program” began in the mid 1980’s with several efforts undertaken to find the right chemistry to allow this neutralization to happen. As the science improved, so did the results, however, he presented examples of where the wetland approach did not work and were subsequently replaced with different approaches to using lime to neutralize the acid. Joe closed by offering a tour of any of the sites.

There were several questions. Does dissolving limestone in water increase the conductivity, to which Joe replied '...it does', and went on to explain in one example where this practice changed a two mile problem to one of about one quarter of a mile, so the solution is more of a benefit than a problem. Another person asked if limestone quarrying operations cause any problems like coal mining does, and Joe replied that reclamation of quarrying must be done. Another question about family owned mines was raised. Joe responded that his program is funded by the industry, and there are priority areas on which he must focus, according to funding requirements. David thanked Joe Mills for his presentation.

Reports from the Subcommittees

1. Lake Levels

David asked the Lake Levels subcommittee to report first, and co chair Bob Hoffmann reported on the March 12th meeting. The meeting was all "presentation" oriented. Alan Klotz, DNR's regional fishery biologist spoke on the DCL fishery as well as the downstream Yough River trout fishery. He offered DNR's recommendations regarding the Lake Levels subcommittee's review of the TER's. Neil Jacobs, representing Trout Unlimited, also spoke highlighting the 'destination fishery' that exists in Garrett County. Bob noted as an aside, that all of the findings of the Lake Levels subcommittee would be presented to the SC as recommendations for the SC to consider. Steve Schreiner of Versar, DNR's contractor for the TER protocol development, also presented, and included the options they are considering to improve the protocol, as well as their conclusions and recommendations. Morgan France, one of the subcommittee appointees also has been examining the TER protocol and offered his recommendations. Jess Whittemore, also a subcommittee appointee recommended two code changes to the Code of Maryland Regulations (COMAR), and finally Chris Nichols of the DCL Property Owners Association provided an analysis of lake levels and dock access, using bathymetric data.

David Myerberg, recalling the long list of questions that this subcommittee had generated, asked if the questions are being answered. Bob Hoffmann responded YES, and mentioned that leadership and staff are working on putting together a 'straw man' set of recommendations to be discussed at the April 9th Lake Levels subcommittee meeting.

2. Water Quality

Willie Lantz, chair of the Water Quality subcommittee reported that the February 20th meeting focused on SAV issues. General discussion focused on good versus bad SAV, native versus invasive. A good exchange highlighted the differences and the point was made that reducing nutrient levels will not get rid of the invasives.

Objectives were discussed, and the subcommittee favors keeping the monitoring plan in place, to track changes in the species, their abundance, etc in order to assist with management of the non-native species. A second objective focuses on educating lake owners about SAV and the hydrilla task force plan includes outreach and education. Finally, managing SAV in the lake that affect recreation such as boating and fishing is another objective. The suggestion to use GIS workshops to allow lake users to identify specific concerns might be one solution.

Water quality and streams will be discussed at the March 20th subcommittee meeting. David Myerberg added that the Hydrilla plan presentation would also be discussed at the PRB meeting on Thursday, March 20, 2014, at 6 pm at the Garrett County Health Department.

3. Impacts of Growth

Bob Browning presented on the discussions of the February 20th meeting. The draft Goal #3 was revised to read: *Promote land use policies that ensure environmental sustainability and economic viability.*

Discussions with Garrett county Department of Community Planning and Development staff Jim Torrington, Reggie Breeding and Dave Ritchie resulted in the following:

- A study needs to be done to determine where known stormwater and sedimentation problems exist;
- Problems that exist are probably a result of older developments falling outside of current sets of regs;
- Problems with fixing older issues involve private property concerns, lack of easements to fix road culvert issues and costs to homeowners. Grants were discussed but would not help with the cost of maintenance;
- Discussions of best management practices for road maintenance led to the suggestion that BMP's be compiled in a booklet format to be placed in all roads garages and that the county commit to following the BMP's whenever practicable;
- Educational materials should also be prepared about stormwater BMP's and made available to all homeowners;
- Incentive programs like Bay Yardstick may be beneficial to replicate, to encourage installation of stormwater features, but the program does not account for continued maintenance of the features.

Next, discussions about the objectives and strategies in relation to Land Use resulted in the following:

- Garrett County Planning Commission should strengthen the current site design and architectural review standards applied to commercial developments in the watershed;
- Encourage the viability of traditional waterfront businesses. Consider forming a think tank and revisit recommendations in the 2008 Comprehensive Plan re waterfront businesses and property assessment values;
- Encourage the county planning commission to uphold the current policy of prohibiting industrial wind turbines within the DCL watershed

And shale drilling was discussed but no consensus on a recommendation has been formed.

A question about considerations of the infrastructure requirements for shale drilling was raised, and Bob responded that yes there has been lots of discussion but no conclusion has been reached.

The March 13th meeting was mentioned but meeting notes were not yet completed. However it was reported that public and private sewer systems were discussed with Steve Sherrard, Craig Umbel, Patrick Hudnall and Richard Shoemaker in attendance. David asked if the presentation will be available, and it was clarified that this was a discussion only and the discussion highlights will be in the minutes.

It was noted that the goose population issue will be discussed at the PRB meeting on March 20, 2014, and that DNR Assistant Secretary Mark Hoffman will also discuss the funding of the Lake Management Office. A final comment about septic system BATs (Best Available Technology): they reduce nitrogen, but do not reduce pathogens.

4. Accountability

In Lulu Gonella's absence, David Myerberg presented the report. At the last meeting, options of governance were again discussed. While the "do nothing" option is crossed out, the remaining four are still on the table. They are:

2. Augment the current governance;
3. Create a cooperative agreement with a watershed entity;
4. Establish or augment an existing 501c3 non-profit
5. Create a watershed district authority of some type;
6. And any combination of the above 2 – 5.

During the meeting, a list of characteristics of a governance structure was developed and those 15 characteristics follow:

1. High coordination among government entities;
2. Clear statements of authority and responsibility;
3. Financing structure/budget
4. Monitoring, research, compliance
5. Policy analysis and advocacy
6. Feedback loop to address issues
7. Transparency;
8. Local level (watershed-level) decision-making;
9. Outreach and education;
10. All sectors wishing to be represented/at the table;
11. Single authority or oversight;
12. PRB roles and responsibilities to be augmented to include decision making and subcommittees to also make decisions (examples Technical Committee and Citizens Committee);
13. MOU/Cooperative Agreement would include all state and local partners to sign on and be responsible;
14. Fundraising mechanism/protection & restoration fund; or
15. Direct access to experts.

At the last meeting the subcommittee discussed the pros and cons of the characteristics and each member indicated their top five or six that would achieve the goals for the watershed. There is consensus on a number of the 15 characteristics, including high coordination, a feedback loop, an entity with a financing structure, budget, fundraising mechanism (potentially to include a 501c3) and a protection and restoration fund, and transparency. However a split exists between having a MOU creating a local entity versus what others call a watershed authority with political say, making rules and spending money. Half of the group thinks a MOU is the better way to go, and that an authority won't go. The group is at an impasse.

To move forward, the subcommittee is asking the SC to consider three questions:

1. Is there anything missing in the list of 15 governance characteristics that will help achieve a functioning watershed plan over the next decade or more?
2. Are the characteristics that the subcommittee has consensus around the same ones that you would also want?
3. Is there reason to believe that the creation of a watershed authority with decision making and budgeting power realistic?

David will put this information out to the SC in a separate email along with instructions on how and to whom to respond.

Public Comments:

Paul Weiler, commenting on the Accountability report just completed urged the SC to consider the efficacy of the two options rather than the political viability.

Paul Durham commented on the issue of stream impairment and growth, and today's speaker's implication that one impacts the other. Paul stated that while wooded buffers might be neat to do, and prior to jumping to growth as the problem, he urged the SC to dig into stormwater. He recommended that a vigorous stormwater analysis be conducted before recommending any restrictions on development.

John Quilty, a member of the Shale gas advisory group spoke on the topic of ordinances regarding the Marcellus Shale deposit and the question of drilling or not drilling. He stated that on the economic side of the equation one cannot adopt a formula for developing without impacting tourism. He knows that the SC will be dealing with the topic.

Barbara Beelar made three points. First, the Friends of DCL and stream waders will visit sites in April. Please join them. She will send information out via email. Second, monitoring must continue to help understand the impacts of development, and for Marcellus shale monitoring too. Third, the U of M Center for Environmental Study looked at the DCL water quality data to do a first ever integrated assessment and to issue a report card. They find they cannot issue the report card since the data sampling points are not diverse enough.

Seeing no further public comments, David began with a series of closing comments:

- The SC must spend some time working on a vision statement. Please prepare your own vision statement for the full watershed plan for the next meeting;
- Steve Green commented on the need to maintain the mesotrophic state of the lake. We must know what we have in order to know where we are going, and to Barbara's point, we're missing data. The target is important. Tony Prochaska added that DNR is responsible for the streams and rivers throughout Maryland. There are monitoring programs in place in the DCL watershed, but they were designed to answer specific management questions. The MBSS won't be sampling in the DCL watershed this year. The best approach would be to develop a monitoring program (with goals, objectives, and management questions) specific to the streams in the DCL watersheds, identify funding, and implement the program. We should establish a baseline of monitoring information now, and use it for comparison in the future
- Pete Versteegen reported on the document management project. He has a domain name deepcreekwatershed.org, and has logged about 197 documents. Please take a look at it; Pete will email more detail to the SC members.
- John Foreman asked if forestry was on the April agenda, and David responded yes. Rich Ortt will also speak in April, on sediment.
- Willie Lantz asked about the timeline for completing subcommittee work and noted his water quality group has not addressed sediment yet. David responded that there may be the need to schedule multiple meetings to stay on target. Bob Hoffmann added that he

has spoken to Bruce Michael of DNR and the final report on sediment will soon be on the DNR website. Willie asked that the SC be alerted when that happens.

- Willie inquired as to when the subcommittee recommendations are due. David responded by announcing that Executive Committee meetings will be scheduled and communication from those meetings will be forthcoming to respond to that question.

David called for and got a motion (who motioned and who seconded it?) to adjourn with unanimous approval. The meeting ended at about 3:30.

jmbilek 3-19-14

Final