

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
The Special Session, May 20th and 21st 2014

Held at the Garrett College, Continuing Education Building Room 205
687 Mosser Road, McHenry, MD 21541

Members of the Steering Committee (SC) present were:

David Myerberg, Chair,
Pete Versteegen, vice chair,
Steve Green,
Bob Browning,
Bob Hoffmann,
Willie Lantz,
Lulu Gonella, 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 and introductory remarks

SC Chair David Myerberg called the Special Session to order shortly after 1:00 p.m. David noted that for the upcoming marathon session over the next two days, the SC hopes to accomplish the review of the recommendations of each of the four subcommittees, and to agree on the wording of the goals, objectives and strategies which will be included in the final report submitted to the Garrett County Commissioners, DNR Secretary Joe Gill and ultimately the public. During the review, the SC should consider if each goal, objective and strategy is consistent with the vision and if each statement relate back to the Problem Statements, and are actionable. The review will begin with the work of the Water Quality subcommittee, continue with Impacts of Growth subcommittee work, when wrap up for Tuesday. On Wednesday, we'll reconvene at 8 a.m., reorient ourselves, complete anything still remaining from Tuesday, then work on the last two, Lake Levels, and Accountability. Finally before we adjourn on Wednesday we will discuss the next steps for the process, determining the sequencing and timing of the implementation of the plan's strategies. The sequencing discussion will occur at the next SC meeting on June 2nd.

David referred to the SC members to the ground rules, (posted on the wall in front of the room). The ground rules were established and agreed upon back at the September SC meeting. He asked the SC members to review them again and suggest any additions that might be needed for the next two-day meeting. There were no suggestions. David added that as the review of the subcommittee work proceeds, the members of the public present would be given the opportunity to speak prior to the voting by the SC.

David asked Mike Bilek to review the points that the SC needs to keep in mind when evaluating the reports. Mike offered the following seven points:

- a. Are they written for the general public and elected officials to understand what action is recommended?
- b. Can the actions be taken by an existing entity?
- c. Are there actions missing that should be included?

- d. Do the actions overlap or contradict recommendations from other subcommittees?
- e. Are the actions doable?
- f. Are the recommendations based on sound science, engineering or business and government principles?
- g. Are the recommendations balanced for all users and inhabitants of the watershed (bipeds, quadrapeds, aquatic, flora, etc)?

David explained the procedure for the review. Each subcommittee chair will explain the thought process that went into developing the objectives and strategies, and each SC member, already having read the subcommittee work will engage in the group discussion to determine the common ground, what may not be clear, what needs to be changed, what is not agreed upon, and what might be missing. Avoid word-smithing the objectives and strategies. Following the discussion, the SC votes on the goals, objectives and strategies as a group.

Before beginning, David asked if there were questions and several points were raised. Discussion about the proposed entity framework was raised and it was suggested that the model that was reviewed previously be used throughout this review. Catherine Shanks suggested keeping a defined structure out of the document,. Lulu Gonella added that the end of the process is ‘a bit down the road’, and it was agreed that a structure model and reference to it would be left out.

There was some discussion about what’s next after we reach agreement over the next two days. David explained that the document that will be produced over the next two days will be merged with the background info and the report will be made available to the public. Catherine added that today’s work would be available at the June meeting for the sequencing step of the process. The document will be presented to the County Commissioners and the DNR and MDE Secretaries, and then will be available to the public for a 30-day review period. After the public weighs in, the SC will consider the public comments, and then the document will be finalized.

David asked Catherine to discuss and define ‘actionable’. In short, she responded that actionable is something that is clear to the public, clear to government, what action needs to be taken. Pete added that the preamble frames the SC’s work and what is going to be done, and that a preamble is needed for each goal. Catherine replied that each subcommittee section would include a narrative of the problem. Seeing no further comments or questions, David moved on to begin the review.

Water Quality

As chair of the Water Quality subcommittee Willie Lantz raised some issues that needed clarity for the process. He began by asking ‘what will we be voting on’, and how do we address something that might be better in another section of the report. After a short discussion regarding relocating overlapping issues, it was agreed that any item requiring relocation would be handled individually.

Willie began his comments by explaining that Christine Conn arranged for the speakers and presenters, and did the writing. The DNR expertise made the subcommittee’s task do-able, and on behalf of the WQ subcommittee, he gives a big THANK YOU to her. Christine added that the WQ report for DCL was just made available, and the characterization shows the lake is mesotrophic, moving to eutrophic. The goal of the WQ subcommittee is ‘spot on’ in stating that

the goal is to maintain a mesotrophic water body. For clarification Bob Hoffmann added that eutrophic is ‘more nutrients’. Bob Browning added that this could change from wet years to dry years, the more dry, the more mesotrophic. Steve Green asked if chlorophyll is one of the measures, and DNR responded yes, and Catherine added this means continuing and more monitoring.

Willie resumed his presentation indicating the WQ subcommittee knew the lake was on the ‘edge’ and the overarching goal is written to reflect that one-year eutrophic rating. Steve added that another alarm is the conductivity measure, which is going up. Bob Browning added that the Problem Statement mentions gasoline, which Pete recalled was a concern of the public at the October public meeting. Willie replied that the gasoline issue was not addressed. Catherine suggested that the DNR Clean Marina program could address some of this. Pete asked if gasoline is a problem and if there is data that shows it to be a problem. DNR answered NO. Christine added that it is recognized that marinas can be a source of pollution, to which Bob B added ‘there are some that are’. Pete suggested adding an objective to the nonpoint section with a strategy to encourage participation in the Clean Marinas program.

Discussion about the shoreline video inventory, a catalog of BMP’s and its value to property owners resulted in moving the section to the Sediment goal. A reminder that ‘Lake’ should now be deleted in favor of including the entire watershed. Certain wording was suggested to be added to the narrative. The add ons from the Lake Levels subcommittee were deleted, since they had already been identified by the WQ subcommittee. The dredging issue was moved to the Lake Levels report. **A motion to accept the Water Quality subcommittee report with the changes as discussed was made by Bob Browning, with a second by Willie Lantz and carried with unanimous approval.**

The following is the report from the WQ subcommittee with the changes discussed:

Water Quality Subcommittee

Lake and Stream Water Quality

Overarching Goal: Protect, maintain, and/or improve water quality parameters in the lake and watershed, needed to maintain and improve Deep Creek Lake at the mesotrophic level and to maximize the capacity of the Deep Creek watershed to support recreational uses and healthy aquatic and terrestrial living resources and habitats.

Draft Goal 1 – Collect the needed information to achieve the desired condition of the Deep Creek Lake and watershed.

Objective 1 Improve our understanding of the sources of nitrogen, phosphorus and sediment inputs to streams and the lake in order to prioritize where conservation, restoration and management activities will be most effective.
Strategies
1. Conduct a nutrient synoptic survey in the spring when nutrient concentrations are typically at their highest to quantify nutrient concentration and yield from subwatersheds.
2. By Fall 2014, develop an inventory of stream restoration opportunities by conducting a Stream Corridor Assessment of 30 miles of streams within the watershed. Prioritize stream restoration projects.
3. Work with stakeholders, landowners and partners to identify and implement watershed restoration projects.

Objective 2 Continue regular monitoring of the Deep Creek Watershed (lake and stream water quality) to inform decisions and management actions on lake and watershed conservation and restoration.
Strategies
1. Continue the Deep Creek water quality monitoring workgroup, engaging all entities that conduct and/or use the data developed by water quality monitoring programs
2. Identify monitoring objectives and develop a water quality monitoring program for the next 5 years, reevaluate every 5 years and include long term monitoring objectives and criteria.
3. Convene yearly water quality monitoring meetings to discuss results, progress and integration of multiple monitoring programs .
4. Prepare publicly available annual reports on Deep Creek watershed water quality monitoring results, implementation actions, and management recommendations.
5. Coordinate research needs to complement monitoring and management objectives in partnership with academic institutions and funding programs.

Draft Goal 2 - Manage existing land uses to achieve the desired condition of the Deep Creek Lake and watershed.

Objective 1 Maximize the beneficial water quality, air quality, habitat and economic services provided by forests through conservation, restoration and management efforts
Strategies
1. Encourage the retention of forest land by engaging landowners in forest stewardship management plans through the Garrett County Forestry Board.
2. Identify landowner incentive programs, conduct outreach and education and enforce and implement buffer management to increase tree canopy, promote lakeshore and stream buffer reforestation and discourage mowing grass in the buffer.
3. Develop conservation priorities for forests and for other lands that provide exceptional water quality protection and support high quality aquatic and terrestrial habitats.
4. Develop a plan to protect priority conservation areas based on existing zoning, future growth impacts, and private, local and state conservation assistance programs.

Objective 2 Maintain agricultural land use within the watershed and ensure that best practices are deployed to minimize, mitigate and reduce the impacts of nutrient and sediment inputs to the lake
Strategies
1. Educate and encourage landowners to keep land in agriculture through State and county conservation and agricultural land retention programs.
2. Identify and prioritize opportunities to implement agricultural BMPs such as cover crops, stream protection, stream buffers, wetland restoration, etc.
3. Encourage compliance with nutrient management and target outreach and monitoring efforts to maximize compliance.
4. Enhance profitability to farm and forest landowners through alternative incomes sources and use of locally produced farm and forest products.
5. Coordinate efforts of the Forestry Board, Soil Conservation District and Farm Bureau to achieve mutual objectives.

Objective 3 Minimize fertilizers and pesticide inputs to the lake and its streams from lawn care practices
Strategies
1. Conduct a survey of residential lawn owners and lawn care companies to determine the degree of homeowner and commercial fertilizer application practices
2. Educate lawn owners about lawn care practices that reduce fertilizer inputs and includes soil testing before application include information on the state fertilizer laws.

Objective 4 Manage concerns over additional nonpoint and point sources of pollution to Deep Creek Lake and its streams, including those associated with geese populations
Strategies
1. Educate landowners on habitat modification practices and permits for nest production control for the reduction of geese populations.
2. Prohibit or discourage feeding of geese on public and private lake shoreline property.
3. Encourage goose hunting where and when permitted and safe and encourage agricultural land owners to allow hunting on their lands.
4. Monitor occurrence of violations with point source discharges to evaluate potential impact to water quality.
5. Encourage marina operators to participate in the Clean Marina Program.
6. Monitor the amount and location of road salt applied by the State and County.

Submerged Aquatic Vegetation (SAV)

Draft Goal 3 - Manage SAV in Deep Creek Lake to maintain and improve the ecological stability of the lake, as well as reduce and minimize the interference of SAV with recreational uses of the lake.

Objective 1 Develop a long term monitoring plan, managed through the Water Quality Workgroup, to track changes in SAV species composition,

abundance and distribution to inform native and non-native SAV management plans.
Strategies
1. Identify and recommend additional SAV monitoring objectives to be incorporated into the long term monitoring plan.
2. Include SAV monitoring results in annual reports and water quality dashboard.

Objective 2 Manage the SAV communities in the lake that affect recreational uses such as boating and swimming to minimize interference with public recreation.
Strategies
1. Identify areas where SAV populations are considered to be a public use concern through a user-based evaluation, such as participatory GIS recreational use workshop or other venue.
2. Identify all possible SAV management options, including control strategies, lake levels and dock permitting policies, and the appropriate means of implementing them.
3. Develop an education program to provide all lake users with appropriate management solutions and options for support and maintenance of native SAV communities and healthy fish populations.

Objective 3 Control existing populations of established invasive SAV species communities using best management practices and prevent future introductions of harmful non-native species of SAV.
Strategies
1. Determine if existing non-native SAV species are detrimental to maintaining a healthy lake ecosystem and active recreational usage.
2. Identify control strategies to reduce the negative impacts of targeted non-native harmful species, such as Hydrilla and others.
3. Identify management plans to prevent future introductions and spread of Hydrilla, Eurasian Water milfoil and other harmful non-native species of SAV.

Erosion and Sedimentation

Draft Goal 4 - Prevent erosion and sedimentation to the greatest extent possible to protect the water resources of the watershed from increased sediment loading and associated water quality problems.

Objective 1 Identify the causes and mechanisms of erosion and sources of sediment that operate within the Deep Creek watershed, including the movement of sediment in the lake
Strategies
1. Consider existing and ongoing sedimentation studies to identify probable sources of sedimentation through an analysis of watershed condition based on soil type, slope, drainage patterns, land use, and other factors and considering sedimentation studies done to date.
2. Identify and quantify the causes and mechanisms of lake and stream shoreline erosion.
3. Categorize erosion by shoreline type and severity potential.
4. Identify existing shoreline control measures around the lake and categorize with respect to efficacy and visual impact and correlate with the results from 1 and 2
5. Prioritize areas of special concern and develop remedial approaches

Objective 2 Develop an Erosion and Sediment Control Implementation Plan
Strategies
1. Identify the means to control various erosion processes identified under Objective 1.
2. Define measures to judge the performance and adequacy of erosion control projects
3. Identify and prioritize erosion and sediment control projects. Coordinate with results from stream walks, storm water management and agricultural erosion initiatives.
4. Identify funding and partnerships to complete at least 1 or 2 projects a year. Projects should be coordinated with the stream walks, stormwater management and agricultural erosion initiatives.

Objective 3 Revise, streamline and Incentivise lake shoreline protection measures
Strategies
1. Define and articulate the responsibilities of the State and Lake-side property owners regarding the maintenance of the buffer strip and the shoreline.
2. Define and develop standard approaches for selecting and installing shoreline protection measures based on the various types of shoreline conditions that need to be protected.
3. Review permitting requirements and procedures, identify needed improvements and develop a process that streamlines shoreline erosion control practices in a cost-effective manner for the responsible party.
4. Evaluate options to reduce or eliminate the fees and develop incentive programs for shoreline erosion projects.

Impacts of Growth Subcommittee

Subcommittee chair Bob Browning gave a brief overview of the charge of the work group and proceeded to review the document. Goal 1 Objective 1 and 2 generated little discussion. Objective 3 raised issues about the current policy for turbines. Given the hour, the meeting closed without a decision.

Wednesday, May 21 began with the continuation of the Impacts of Growth discussion of wind turbines. **A motion was made by John Forman to leave the objective out of the plan, the motion was seconded by Willie Lantz. The motion carried 5 to 3,** with Bob Hoffmann, Pete Versteegen and David Myerberg voting against the motion.

The next objective on gas drilling and extraction also saw extensive discussion. Pete began by noting that the objective is not actionable. Willie added that the objective is not based in science. It will be difficult to defend the position to a land owner, and the closest wellhead would be over a mile away. Still, this will not stop what is negative about drilling, such as the truck traffic, and the visual impacts of a wellhead. John added that this objective is a taking of private property rights, and there is more emotion to this objective than science. Christine replied that the setbacks have a basis in science, addressing risks of water supply impacts. She added the setbacks, slope restrictions and stream protections are all based in science. The discussion continued with the location of the vertical well bore, the idea of an industrial site with several wellheads, and the geology of the area. Pete suggested restating the objective, changing the objective to protect what the plan should be concerned with, rather than saying NO to a particular industry. Pete reminded the SC that there is still the public comment period. The objective was re-written along with three strategies. Willie raised concerns that some of the uniquenesses of the DC watershed may be missed by the state and the governor's commission. Christine added that the group that works on this issue would need to get into this level of detail. Pete suggested sending the thinking of the SC to the appropriate shale committee, David added that representation from the entity should sit on the governor appointed commission for as long as the process goes on. Steve suggested that the SC still prohibit it. Christine added that if protecting it prohibits it, then its done. **Steve made a motion to retain the original language, seconded by Lulu Gonella. The motion failed, with Steve and Lulu voting in favor of the motion. A motion to accept the revised language changes was made by Bob Browning, seconded by Willie Lantz. The motion carried 5 to 2 with Steve and Lulu voting against.**

Goal 2, Stormwater was the next item, and some of the previously discussed changes were noted for consistency, such as using 'entity' throughout the document to identify the proposed governing body. The addition of strategies regarding stormwater retrofits and the use of road salt were also added.

Goal 3, Septics saw little discussion. The need to clarify OSDS was raised.

Goal 4, Recreation also saw little discussion.

DNR initiated a discussion about the need for the retention of forest cover. A goal, objective and several strategies were presented. A discussion ensued about conserving high value properties, the county water master plan and the location of the high value properties. John Forman, representing forestry on the SC voiced his opposition to bringing the Forest Conservation Act to Garrett County, since it adds unnecessary bureaucratic paperwork to the job of the forester. David asked about the advantages to DNR by including this in the plan. Christine replied that it gives greater assurance that the lake remains healthy and clean. David responded that this is

what we (the SC and the plan) are trying to achieve, and it is a good example of DNR and the county working together, an act of good faith. Willie suggested referencing ‘development areas’ to the strategy. More discussion continued about the value of trees. **David asked for a motion. Several motions tried and failed. These included combining several into two, keeping some, omitting others, adding water quality references, deleting Forest Conservation Plan references, and so on. Finally, a motion by Bob Browning seconded by Bob Hoffmann netted a conclusion to this discussion, and the motion carried unanimously. (see Goal 5 for final strategy wording).**

David asked for a motion for the entire Impacts of Growth body of work. Bob Browning made the motion, seconded by Steve Green, and the motion carried unanimously.

The Impacts of Growth subcommittee report follows.

Reducing Negative Impacts from Growth

Goal 1 – Promote policies that ensure environmental sustainability and economic viability.

Objective 1 The Planning Commission should strengthen the current site design and architectural review standards applied to commercial development within the watershed.
Strategies
1. As part of the Comprehensive Plan cycle, scheduled to begin in fiscal year 2016, the County should include this topic.
2. If after public review this objective is included in the Comprehensive Plan, the County should formulate regulatory language to be included in the Deep Creek Zoning Ordinance as part of the update for that ordinance.
3. Should said regulation be included in the Deep Creek Zoning Ordinance, the staff of the Office of Planning & Land Management will be the responsible entity for enforcement at the time of permit application.

Objective 2 Promote new and retain viable waterfront businesses
Strategies
1. The County Office of Economic Development and the Garrett County Chamber of Commerce should form a “think tank” to determine ways in which waterfront businesses can be supported and encouraged
2. The think tank should revisit the two recommendations from the 2008 Comprehensive Plan to (1) work one on one with individual waterfront businesses at risk of being lost and (2) explore with the local tax assessor the potential for changes in the way that property assessment values are prepared for waterfront businesses.

Objective 3 Insure that gas drilling and extraction has minimal impact in the DC watershed.
Strategies
1. Evaluate the potential environmental and economic impacts to DC watershed from gas drilling and extraction.
2. Actively engage in the Marcellus Shale regulatory process to include evaluation of the proposed State best management practices and determine if local policies are needed
3. Develop or revise local regulations as appropriate and needed.

Impacts of Growth – Stormwater

Draft Goal 2 – Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions.

Objective 1 Develop an incremental plan to identify existing stormwater problems at a subwatershed level and create an action plan for addressing issues and educating residents on best management practices.
Strategies
1. By January of 2015 the County’s Office of Permits and Inspection Services and Department of Engineering will provide a list of known areas of concern. This list will be used to rank subwatersheds with regard to highest need, severity, accessibility and other factors.
2. Conduct an on-site survey of the highest ranking subwatershed to determine the stormwater issues that reside and their source.
3. Convene a meeting of appropriate agencies and interested parties within the Deep Creek watershed to devise an action plan for addressing concerns in the highest ranking subwatershed.

4.	Create an implementation plan and timeline to implement the technical aspects of the action plan. This becomes the pilot project.
5.	Work with citizens in the subwatershed to educate land owners on stormwater best management practices that can be established on their land. Promote the Stormwater BMP Incentive Program as per Objective 2.
6.	Assess the effectiveness of the subwatershed pilot area plan implementation. If it is found to be successful designate the next subwatershed that will be designated for action.

Objective 2 Design and Implement a Stormwater BMP Incentive Program.
Strategy
1. By July 2015, review the Bay-Wise Yardstick Program and propose a similar program to be used in the Deep Creek watershed. A list of possible incentives for participation will be included as well as an implementation schedule and approach. The UMD Extension Service will serve as the support agency for the program

Objective 3 The use of stormwater best management practices will be made a priority for maintenance and legacy infrastructure whenever practicable for both state and county roads operations.
Strategies
1. Working through the proposed governing entity engage the appropriate agencies to devise and/or compile educational materials pertinent to best stormwater management practices. They will also identify educational opportunities or trainings for roads workers. Create an implementation plan for incorporation of BMPs into their workflow.
2. Work with SHA to determine the best approach for reducing impacts from State roads. Identify potential opportunities for stormwater retrofits.

Impacts of Growth – Septic and Sewerage

Goal 3 – Protect the watershed from the adverse effects of impaired on-site sewage disposal systems (septic systems) and ensure adequate capacity and management of public sewerage systems.

Objective 1 Encourage the use of Best Available Technology (BAT) septic systems within Deep Creek watershed.
Strategies
1. By July 2015 devise and/or compile educational materials for distribution to homeowners regarding the benefits of BAT systems.
2. Distribution of the materials to homeowners will be prioritized in phases starting with structures older than 50 years, 40 – 50 years and 30 – 40 years.
3. The Environmental Health Department will distribute information regarding BAT systems to every new home applicant.

Objective 2 Encourage expansion of public sewer as outlined in the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system such that it complies with best available technology or best management practices as appropriate, to include relevant training.
Strategies
1. Devise a marketing campaign to be targeted at residents of areas planned for public sewer in order to increase awareness of the need for services in order to decrease the impacts of failing septic.
2. Develop creative alternatives to debt re-payment on public systems to address current deterrents to the cost of the system.
3. Work with county agencies to identify training and BMPs for sewer system management.

Impacts of Growth – Recreation

Goal 4 – Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.

Objective 1 The Department of Natural Resources and the Maryland Department of the Environment should eliminate fees for the Shoreline Erosion permit and consider incentive programs
Strategies
1. By July 2015, the appropriate agents of the Deep Creek Lake Management Office, DNR, MDE, the county and the Deep Creek Watershed Management Board should meet to discuss the goals and objectives of the Shoreline Erosion program, including an incentive program through the appropriate agencies
2. The DNR will work partners to promote the merits of shoreline stabilization and encourage homeowners through incentive programs to install appropriate measures to prevent further shoreline erosion

Objective 2 The Department of Natural Resources (DNR) Lake Management Office should upgrade their permitting and boating count databases.
Strategies
1. By July 2015, the DNR will assess the hardware and software of the Lake Management office looking for opportunities for version upgrades and opportunities to improve efficiency of operation.

2.DNR will establish a timeline for action plan for implementation of upgrades.

Objective 3 The Department of Natural Resources Lake Management Office should identify and promote current and future public access locations.

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| Strategies |
| 1. The DNR/Deep Creek Lake Management Office will map the locations and types of all existing public access points. This data will be mapped and included in a brochure for visitors. |
| 2. The DNR/Deep Creek Lake Management Office will visit said sites and determine whether appropriate signage exists at each location. If not, signage will be obtained and erected. Signage should include educational information when appropriate. |
| 3. Assure the brochures created by the Lake Management Office of existing public access points are reproduced and distributed through local businesses and the Visitor's Center and on the Internet. |
| 4. The Deep Creek Lake Management Office, working with appropriate partners, will review past records where potential future sites of public access have been highlighted. These sites will be reviewed for potential use as public access in relation to cost, type of access, public facilities and/or infrastructure needed, and other factors deemed appropriate by the group. |

Impacts of Growth – Retention of Forest Cover
Goal 5 - Maximize the retention of forest cover to protect high value aquatic and terrestrial natural resources.

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| Objective The county and state will work together on planning for conservation of high value and sensitive resource areas in development areas. |
| Strategies: |
| 1 Assess how current development regulations and policies at the State and County impact high value and sensitive resources areas. |
| 2 Garrett County and DNR work together to identify opportunities for forest retention in development areas. |

Lake Levels

Bob Hoffmann, co chair of the Lake Levels subcommittee presented the overview of the Lake Levels meetings and process. Bob Browning is the co chair, and Mike Bilek is staff to the subcommittee. Team leadership and staff had many discussions and conference calls to move the process forward and to answer all of the issues. There were six subcommittee meetings, mostly educational sessions designed to answer the questions that the LL subcommittee had brainstormed in the early meetings. This is a difficult issue and the plan is a unique opportunity to address the questions. If the SC had failed to address the Lake Levels issue, the (DCLWMP) plan would be incomplete. The issue of dealing with Lake Levels will not go away, and when people feel they are being treated unfairly, there will be an outcry. The SC and the LL subcommittee had challenges from the beginning. Brookfield power was originally invited as one of the nine SC members, but after the first meeting, decided to no longer participate. Brookfield is missed in this SC process and at the LL subcommittee level. The leadership knew that issues discussed would be contentious, and in response to that, it was decided early on to suggest that both sides to the question would be included in the LL report, as majority and minority opinions. No suggestion or recommendation has been left out. To conclude, Mr. Hoffmann stated that he and Bob Browning believe a continuing dialog on these issues are necessary.

Bob Hoffmann continued by directing attention to the over-arching goal.

- **Over-arching Goal:** To maintain higher Lake Levels to allow lake users adequate water levels for recreation, to stop excursions below the lower rule band and to provide for the needs of other users of the water resource.

He clarified that the interconnectedness of the three issues (the water budget, the temperature enhancement releases [TER's] and the violations of the Lower Rule Band [LRB]) referenced in the over-arching goal makes it difficult if not impossible to separate them. The concern about the LRB is greater in dry years, since whitewater interests can draw water up to one foot below

the LRB, and TER's are completed without regard to the LRB. Since the LRB is violated by permit, this is a problem. A question was raised that if a water budget is developed and used, would the LRB go away, and everyone seemed to agree that NO, it would not. Also, it was never mentioned that any whitewater releases would go away either. It could impact Brookfield's discretionary releases. Bob Hoffman injected that one should be able to determine what downstream user's needs.

Catherine Shanks stated that DNR resource people reviewing the recommendations, read "stop" (excursions below the LRB) to mean "stop". We don't know what climate change will change, but it could hurt the trout fishery. The absolute of "stop" is the problem, why not use "minimize". Bob Hoffman replied that DNR fisheries folks are not willing to re-look at the TER. If the bypass (pipe from the dam to the stream) could be used to cool the stream, rather than the large releases through the turbines, it could save water. He added 'we want to continue the discussion'. David Myerberg observed that the word "stop" will stop future discussion, while minimize will continue it, to which Bob replied 'we need to continue the discussion'. Lulu Gonella added the point that there needs to be a way to work within the LRB. Bob Hoffmann added that going below the LRB has become condition-normal.

Christine Conn asked about the options. Lulu replied that until there is 'shared pain' in low water years, the lake residents are always last in line. Catherine asked 'how do you balance the economics', and 'what would it take for all to be treated fairly, and after it's out there, will it matter'? David replied 'Yes it will matter. Do the budget, develop predictability. The people in Friendsville will resist any change, everyone has their heels dug in. Christine added that the value in this for DNR is the trout, and it is a regulated requirement. Bob Hoffmann agreed, but observed 'now, the TER has become a whitewater release, an entitlement, standing in the way of developing a different and better TER'. The discussion ended with agreement to replace the word 'stop' with 'strictly limit'.

The water budget objective and strategies were the next points, and after some discussion it was agreed that re-writing would be done. Further, it was suggested that the co chairs develop a paragraph to explain what a water budget is, as discussed at the LL subcommittee meetings. Steve Green added that whitewater interests need to know about scheduled releases to be able to book a trip in advance. The budget may be the way to accomplish this. It was stated that the selection of an independent contractor to look at developing a water budget is desirable, but the intent is not to alienate either DNR or MD. The question was raised if MDE and DNR would cooperate with an outside group coming in to re-look at something that they have done? And Christine Conn quickly responded YES. Bob Hoffmann added that he did not want to see this initiative get lost in the long list of priorities, and he and others realize that funds to accomplish this will have to be raised.

TER's, still under Goal 1 were discussed. It was noted that TER's fall outside of the MDE permit and the 2019 renewal time frame. There may be the opportunity to work with DNR now, as a separate initiative.

The Lower Rule Band (LRB) objective, still under Goal 1 was eliminated after some discussion since it was agreed that this would be included in the comprehensive look at the water budget during an independent evaluation.

The next part of the discussion focused on Goal 2, and after some rewording of the goal,

discussion focused on the strategies. Several combinations of the four strategies resulted in some recombining, and re-writing.

The final two sections were reviewed and it was agreed that the concepts were either covered earlier in other goals-objectives-strategies, or were going to be part of the issues explored by the independent evaluation. In closing, it was mentioned that dredging would also appear in the Lake Levels set of recommendations. **John Forman motioned that the Lake Levels recommendations be accepted with the revisions as discussed. The motion was seconded by Lulu Gonella, and was approved unanimously.**

The Lake Levels Subcommittee report follows.

**Lake Levels:
Moving Forward**

Consistent with the responsibilities and authorities of the Maryland Department of Natural Resources and Department of the Environment, the implementation of the strategies in support of the objectives of Goal #1 should be accomplished in coordination with these departments. We believe there is significant value in continuing the discussions with appropriate experts in both DNR and MDE on the topics of a Water Budget and revised Temperature Enhancement Release protocol after the completion of the Watershed Management Plan itself

Over-arching Goal: To maintain higher Lake Levels to allow lake users adequate water levels for recreation, to strictly limit excursions below the lower rule band and to provide for the needs of other users of the water resource.

Goal 1 - The Water Budget, Temperature Enhancement Protocol and the Rule Band

Assure that the water appropriation analysis and allocation methodology for Deep Creek Lake provides a fair distribution of water for all users especially during the months of May through September.

Objective 1 MDE to consider the development of a water budget that affords equitable allocation of the resource.
Strategies
1. Request MDE to evaluate proposed alternatives to develop a water budget and include examples as presented through the development of the watershed plan. The budget should address supply and demand as well as identify the uses of the resource.
2. Hire an independent water resources engineering consulting firm, approved by all parties and externally funded. The consultant will evaluate and recommend adjustments to the TER protocol in Objective 2 and will define and develop a water budget that can be used for Deep Creek Lake to include conditions for strictly limiting excursions below the lower rule band for the months of May through September
3. Request that MDE consider in the reevaluation of the Water Appropriations Permit, allowing the Upper Rule Band (URB) to be Full Pool of 2461.3 feet. (This does not mean the water must be at 2461.3, it just allows Brookfield a larger margin.) Consider incentives for Brookfield to achieve full pool by May 1st of each year.
4. Request that MDE consider the results of the study conducted by the independent water resources engineering consultant described in Strategy 2 prior to the development of the appropriation permit scheduled for renewal in 2019.

Objective 2 Continue to refine the TER protocol
Strategy

DNR (Power Plant Research Program [PPRP] and Fisheries) continue annual evaluations and adjustments of the TER protocol working with other State and local partners.

Goal 2 – Improve access to navigable waters for property owners who typically have shallow water during the summer months

Objective 1 Develop strategies to assist property owners who live in areas on DCL that typically have low water levels during the summer months.

Strategies

1. In order to help shallow cove slip owners and not impact other stakeholders, request DNR to evaluate regulations and consider adjustments to provide more options for increasing access for a variety of recreation opportunities. Consider methods to extend docking facilities to deeper waters
2. Investigate mechanisms to require at closing, as part of a property transfer proper, a DNR Lake Management Office “eligibility report”. This report contains existing elements with the addition of comprehensive information on individual property lake water conditions and any current violation require correction, and confirm that the buy down transfers with the property.

Objective 2 Consider dredging to the original lake bottom contours

Strategies

1. Develop evaluation criteria and identify areas where private and/or county led initiatives to remove sediments are possible
2. Identify means and disposal options to remove sediments by private and/or county organizations
3. Assess the legal, permitting and disposal requirements related to dredging.
4. Develop organizational structures that can deal with the needs
5. Identify sources of potential funding

Accountability and Public Engagement

Accountability subcommittee chair Lulu Gonella presented an overview of the process followed by their work group, noting that the SC members had seen glimpses of the subcommittee work during presentations at SC meetings over the past several months. The efforts of the Accountability subcommittee focused on the improvement of the management structure, funding, coordination and accountability of governance for the Deep Creek Watershed by creating a new governance structure. While the structure has been thoroughly thought out, it has been suggested that the specifics of the new entity be omitted from the final recommendations of the subcommittee and the SC report, due to concerns over anticipated reaction and raised (and potentially unachievable) expectations from members of the public. This point generated much discussion. SC members lobbied for an organizational diagram to be part of the final report or in the appendix.

The review of the goals, objectives and strategies proceeded without much discussion producing few substantive changes. **A motion to accept the Accountability and Public Engagement recommendations as revised was made by Pete Versteegen with a second by Bob Browning. The motion passed unanimously.**

The Accountability and Public Engagement subcommittee report follows.

Accountability and Public Engagement

Goal 1 - Improve the management structure, funding, coordination and accountability of governance for the Deep Creek Watershed.

<p>Objective 1 Develop and implement a mechanism and partnership for formal coordination of activities within the watershed consistent with the vision set forth in the Annotated Code of Maryland, Natural Resources Article, Section 5-215. This new structure should provide oversight of the implementation of the plan, coordination between government and non-government partners, management of financial resources and communication with the public. Retention of current authority of the PRB for fees and law and regulation changes that affect the Lake should be considered within the new governance structure.</p>
<p>Strategies</p>
<p>1. By July 2015, the County and the State agencies will develop a governance structure consistent with the recommendations in the Watershed Management Plan. Assure the governance structure responds to and advises both the County and the State. (include options for reorganization and restructuring of the PRB as the organizing body.).</p>
<p>2. As determined under Goal 1, Objective 1, strategy 1, develop and propose State legislation with County endorsement as necessary to carry out the recommendations for the governance structure as needed</p>
<p>3. All parties will sign an agreement designed to formalize accountability and commitment to the lake and its watershed.</p>
<p>Objective 2</p>
<p>Develop sustainable and sufficient sources of funding to implement the Watershed Plan including but not limited to addressing future needs; educational goals, objectives and programs and adequate staffing.</p>
<p>Strategies</p>
<p>4. July 2015, develop a financing strategy for the lake and its watershed to implement the recommendations in the Plan and carry watershed management into the future. The Financing Strategy should include a thorough analysis of future and current funding needs for the watershed and the Lake and to include options for fund raising, endowments, etc. Among other things, include staffing needs in the financing evaluation and strategy development.</p>
<p>3. Establish a process for implementing and evaluating the financing and funding needs.</p>

<p>Objective 3 Ensure necessary and sufficient staffing of all State, County and other related agencies and partners to address issues specific to the Deep Creek Watershed</p>
<p>Strategies</p>
<p>1. Evaluate the needs and develop a plan to expand permanent and seasonal State and County staffing to provide adequate service to the public, management of the watershed and lake, coordination among entities and support general outreach and education</p>
<p>2. Provide financial resources to allow hiring/contracting of outside resource experts on lakes and watersheds as needed. This strategy will be a component of Strategy 1 under Objective 2</p>

<p>Objective 4 Develop a process for transparency and accountability for implementation of the watershed plan and associated costs.</p>
<p>Strategies</p>
<p>1. Create and maintain a user friendly dashboard/set of indicators to document and track watershed plan implementation progress as well as water quality conditions, trends, and issues. The dashboard will include access to County Health Department data and annual reports.</p>
<p>2. Develop a mechanism for public feedback on progress or issues.(be the ears of the community)</p>

Public Engagement, Information and Education

Goal 2 - Nurture an informed and engaged citizenry regarding the Deep Creek Watershed

<p>Objective Increase direct and indirect outreach to residents, businesses and visitors regarding the quality of and impacts to the Deep Creek Watershed.</p>
<p>Strategy</p>
<p>Develop an Outreach Plan, To include - identifying current outreach mechanism and programs to potentially include a Speakers Bureau, Train the Trainer Program, etc. to increase outreach to citizens, businesses and visitors. This can be coordinated with and/or managed by local non-profits selected by the new coordinating organization. The development of the Plan should be coordinated with the Deep Creek Lake State Park Discovery Center and include activities conducted both at the Discovery Center and off-site supported by the State Parks Service.</p>

Components of the plan should include the elements identified in other sections of this Plan as well as strategies to:

- Inform and educate the public regarding State ownership of the lake and the buffer and what that means to property owners and lake users.
- Develop a lawn care and buffer maintenance manual similar to the Critical Areas Buffer Manual to assist with understanding and implementation of appropriate planting and maintenance of the buffer and land adjacent to the buffer to include maintenance of and replanting of trees in the buffer.
- Inform and educate the public regarding the affect of and need for conserving water in the watershed through infiltration of stormwater to support maintaining higher water levels throughout the season.

The Plan should also include an implementation schedule

Preparing for the June SC meeting

Catherine Shanks spoke about the next step in the process, the timing and sequencing of the strategies for future implementation. Catherine will email the final goals document to each SC member and suggest they review it and assign either a short term, mid term or long term designation to each strategy. Send the completed work to Mike, who will compile the designations. We will have a discussion about the results at the June meeting. Someone asked if the work will be completed in time for the June 2nd meeting, and Catherine responded YES.

Also at the June meeting, Joanne Throwe and Brent McCloskey from the University of Maryland Environmental Finance Center will speak. A copy of the proposal from them will be forwarded to the SC members for pre-reading.

Pete commented that many of the characterizations prepared by the state contain recommendations. These recommendations are not appropriately placed, and should be compiled and put somewhere separately. DNR clarified that they represent the concerns that they would like to see addressed. Catherine stated that they will go into the appendix, and Bob Browning countered by suggesting that how and where we put it in our report should be up to us.

Someone asked when the work would be available to go to the public. Catherine replied it'll go to the signers of the MOU first, and the final goals that the SC receives to sequence will be marked DRAFT, NOT FOR DISTRIBUTION.

David asked for a motion to adjourn, made by Bob Browning, second by Bob Hoffman, and the motion carried unanimously.