

October 2011

Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Monday Oct. 24, 2011 at: 6 p.m.
Deep Creek Lake State Park-Discovery Center

Board Members In Attendance: David Myerberg, Chairman; Jamie Coyle, John Stakem, Susan Fowler, Bob Browning, Barbara Beeler, Barry Weinberg, Senator George Edwards and Delegate Wendell Beitzel, and alternates Steve Green and David Moe.

DNR Representatives: MD Park Service, Carolyn Mathews - Manager Deep Creek Lake Recreation Area; Major Cindy Ecker – Western Regional Manager; NRP-Sgt. Dave Marple, Sgt. Harry Cage; Assistant Attorney General Marianne Dise; Deputy Secretary Joe Gill; Resource Assessment Service Director, Bruce Michael.

85 members of the public in attendance

Invited Guests: Jess Whittemore, member of the Friendsville Town Council

Chairman Myerberg called the meeting to order at 6 p.m.

Motion: July 25, 2011 Minutes approved

Motion: August 18, 2011 Minutes approved

New Business: Chairman Myerberg introduced the Deputy Secretary of the Dept. of Natural Resources, Joe Gill who spoke just a few words of greeting.

Presentation of Friendsville Town Counsel re: Dam Releases and Water Levels

Chairman Myerberg then introduced Jess Whittemore, who introduced Roger Zbel and Eric Martin, two rafting company business owners who accompanied him to assist with the presentation to the DCL Policy and Review Board. The Chair requested that Mr. Whittemore speak for one half hour. Mr. Whittemore spoke for nearly one hour and referenced water level graphs that he had developed from data available on the MDE website.

Mr. Whittemore's interpretation of the facts was as follows: He explained how his graph shows that Deep Creek Lake fluctuates season to season, year to year. 2010 was a very bad year - businesses in Friendsville lost a lot of dam releases. 1995 was a dry year. 1999 was worse. In 1999 coves dried up early, and shortly after, the PRB was created. Brookfield managed to keep 2010 a lot higher with less flow. They did a good job. When it stops raining and streams start drying up, so does the inflow to the lake. In 2010 it started out with hot and sunny and ended hot and sunny late in the year. During 2010 we lost all our Fridays & Mondays (water releases from the lake to the river). Outflows are mostly temperature releases, also water is leaking at the gates. There are evaporation issues. He predicted John Grace (MDE) will point out that the inflow is the big player when there's no rain, there are no streams. When there's a threat getting close to the lower rule band, the power company takes it upon themselves to slow down or to stop the releases. Our customers are coming from Baltimore and D.C. to Friendsville for a white water trip. The unpredictability of temperature enhancement releases doesn't help our businesses. We want our customers to come to Friendsville anytime and have predictable water releases.

Board Comments re: Dam Releases and Water Levels

Barry Weinberg objected to the continuing flow of misinformation about the lake levels. He also recommended that the Policy and Review Board have a continuing dialog with people in the white water community so we can discuss concerns about the water levels and releases from the lake.

Senator Edwards: Deep Creek Lake is important to the town of Friendsville. The more everyone sits down and talks these things through, the more this water issue will work out. He again encouraged the PRB to push the State to come up with \$180,000 – fully fund Phase II of the sediment study of the lake.

Chairman Myerberg added that he had received an email from Commissioner Bob Gatto who was unable to attend the meeting. Email attached. He suggested the County would contribute some funds to Phase II, DNR is willing to contribute some funds and together everyone will help get the job done.

Motion by Senator Edwards: To ask DNR Secretary Griffin to find State funds for Phase II of the sedimentation project - \$180,000.

Motion passed unanimously of those who could vote.

Barbara Beelar: There is no one here representing MDE or Brookfield. This board is limited on what we can do.

Revisions of COMAR Regulations for Deep Creek Lake

Marianne Dise: She and Ms. Mathews read through the existing COMAR Regulations. There are areas of the regulations that need to be modernized and updated. She will work on revisions with Ms. Mathews over the winter.

Motion: To form a subcommittee and help with revisions of the regulations. Members willing to serve: Barry Weinberg, Bob Browning, and Barbara Beelar.

Sub-Aquatic Vegetation (SAV) Presentation by Mr. Michael

DNR Bruce Michael: Divers worked this summer to gather data for our Submerged Aquatic Vegetation (SAV) Survey. (What are the conditions of the lake?) Concerns about Eurasian Water Milfoil. We know that Eurasian Water Milfoil (ERM) is in Deep Creek Lake. It's considered to be an invasive species. We developed a survey for EWM for Deep Creek Lake. We found it in 5 of the 6 sites. It was found growing in beds mixed with other SAV species that are native to the lake. It was not a monoculture anywhere in the lake. We are going to do a detailed study beginning in spring of 2012 and, if there is a problem, we will suggest remedies to control it. The study should be completed at the end of the summer of 2012.

Lake Manager Mathews: Beginning in 2012 interested buffer strip use permit holders will be able to apply for permission to place heavy mats around docks which will suppress the summer growth of SAV. The mats are not intended to eliminate SAV from the lake, just from immediate areas around docks.

Motion: To continue the meeting past 8:00 pm. Passed unanimously.

Announcement of POA's Upcoming Workshop

Barry Weinberg announced that DCL Property Owners Association has been following issues and concerns about the lake and have now planned a second workshop on specific topics. There will be panels of speakers from a number of sources to provide education, information and strategies for improvements to benefit the lake. The workshop will be Dec. 2, 2011 and is by invitation only.

Finance and Programs Committee Report

Chairman Myerberg reported that the Finance and Programs committee did not meet this quarter.

Procedure Rules Discussion:

The Chairman proposed some clarification of procedural rules for the PRB. General consensus was reached on the following:

1. Handouts from the board members will take place before or after this meeting.
2. Rules of audience participation
3. Names of those who speak will be in the minutes.
4. Turn around on Minutes should be done in 1 month's time.
5. 10 days before the meeting, upcoming agenda should be published on the website.
6. Roles of formal and informal organizations

The Chairman will present formal statements of these rules for vote by the PRB at its next meeting.

Comments from the Public:

1. Ken Fisher: DCL was constructed in the 1920's for the purpose of electric power. MDE is responsible for controlling the water level. DNR and MDE are responsible for sorting out the issues and developing solutions.
2. Paul Wiler: Had no idea about the EWM. It's invasive and grows fast. Reconsider your plan and extend it to 2013 to study, survey and analyze EWM.
3. Judy Thang: 3 weeks ago, I was on a boat in Stillwater Cove and EWM covered this area. It's known to clog dam release valves. It's known to have a winter die off, but I feel we are in a crisis situation.
4. Ellen Williams: EWM is on the main lake. It's solid and you cannot use a mat to control this. It's going to be a problem very soon.
5. Patrick Norton: not present
6. Roger Zbel: Passed on his opportunity to comment.
7. Max Peterson: Please survey North Glade Cove.
8. Richard Matlick: Thanks to the board for a good job. This vegetation is all over the lake. The next problem is the geese.
9. Ted Rissell: Not present to make comments.
10. Eric Martin: Thanks for inviting Friendsville to the meeting. Commercial viability is 0. Unplanned releases have no monetary value.
11. Ben Saville: Passed on making comments
12. Michael Ahern: John Grace (MDE) has not shown up here for the last 2 meetings. We were not happy with the things he has come up with. There were 27 - 8 X 10 documents full of data. We talked about the data being inaccurate.
13. Jeff Long: Water level data comes from one source. If you get it from MDE, DNR, or the Brookfield website, it's still the same number. Flow data is from one source.

Next meeting date was set for January 23rd, 2012 at 6 p.m.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Dana Mueller, Recording Secretary

Attachments: Commissioner Gatto email

cc: DNR Secretary John Griffin

MPS Superintendent Nita Settina

Western Regional Manager Cindy Ecker

Special Meeting on Lake Water Levels

Thursday, August 18th, 2011 at: 6:00 p.m.

Deep Creek Lake State Park-Discovery Center

Members in Attendance: Chairman David Myerberg, Bob Browning, Jamie Coyle, Barbara Beelar, Troy Ellington, Commissioner Robert Gatto, John Stakem, Barry Weinberg for Senator George Edwards

Absent: Susan Fowler and Delegate Wendell Beitzel

DNR Representatives: MD Park Service - Carolyn Mathews, Lake Manager and Major Cindy Ecker, Regional Manager; Assistant Attorney General, Marianne Dise.

Audience: 45 people attended

Chairman Myerberg called the meeting to order at 6:00 p.m. and introduced Troy Ellington, Property Owners Association board member as the substitute for POA president Lou Battistella

Chairman Myerberg described a letter from the Property Owners' Association ("POA") President Lou Battistella dated August 10, 2011 (attached) which cited data and observations of water levels around the lake this summer, and expressed the POA's continued displeasure with the decision of the Department of the Environment ("MDE") to not adjust the water appropriation permit as recommended by the Board. The Chairman noted that he forwarded this letter to the Board's water level subcommittee, which recommended that the Board convene for a special meeting.

The Chairman asked Lake Manager Carolyn Mathews to address the Board. Ms. Mathews presented historical information about the Department of Natural Resources ("DNR")'s management of the Lake and in particular about the dock permit sites in the coves. Ms. Mathews traced the history of the Buffer Strip Use permits back to the 1980s, when Lake Management gathered information from property owners adjacent to the buffer strip, and began to issue annual permits from DNR for dock placement. Since DNR has the right to determine the location of docks, the annual permits reflect the Department's determination. As development permits were approved for common docks around the lake, the Lake Managers included written conditions on the permits to caution permittees about what should be expected as the water level was lowered due to operation of the power plant. For example, as water levels drop, certain docks cannot be pushed out further into the Lake; – they must be pulled into the bank and stored for the season. Although Lake Management included these written conditions in development permits, the Department has no information as to whether those cautions about low water levels and other conditions of use of the Lake were communicated to purchasers of property in the various Lake-area developments. Ms. Mathews then described the conditions in the summer of 2011, when the snow melt and heavy spring rainfall caused the lake water level to be near or over the top of the upper rule band for most of April and May. Chairman Myerberg stated that he contacted Brookfield Renewable Power regarding the rapidly falling 2011 water levels. The Chairman read from the company's reply email: "Summer operations were normal through June. Starting in July, rainfall dropped well below average and July was an increase in temperature enhancement releases. We normally see lack of rainfall and extreme heat. August rainfall is currently above the long term average. Most rainfall fell on August 14th and 15th. This appears to be a normal year in terms of operation." (See email attached from Randy Garletts, 8-18-11)

Chairman Myerberg referred to a bathymetry (water depth) map that was produced for the Lake Management office by USGS in 2008 which shows the depth of the water throughout Deep Creek Lake. Discussion ensued about various options for informing potential purchasers of property about the fluctuating level of the waters in the Lake so that new purchasers are aware of the nature of the Lake.

Board Member Coyle remarked that we are unable to quantify the evaporation rate from the Lake. Compounding this issue is leakage from the wicket gates at the power plant (4-8 times higher than had been reported). This leakage should be significantly reduced this fall as Brookfield plans to perform maintenance and repairs on the gates. Mr. Coyle presented information about the rainfall levels in June, July, and August of 2011, which show a pattern similar to rainfall from the years 1994-2011.

Board Member Weinberg observed that the Lake is a man-made lake with a dam owned by a power company for the generation of power from water releases on a regular basis. The lake surface gives opportunities to people for recreation. He questioned whether the power company could provide more flexibility in its discretionary releases in the summer months in order to maintain the lake water levels at a higher level during that time. He also discussed the water needs of the trout fishery below the dam, and whitewater safety issues related to the levels of water released by the power company. He stated that raising the water releases to 300 cubic feet per second is for safety. If the volume is lower, the rocks become exposed and people crash. He concluded by stating that the Board had brought its concerns to MDE and MDE did consider the expressed concerns and made a revision – but did not take all of the recommendations that the PRB made during the process.

Board Member Beelar stated that the MDE permit results in reduced recreational use for property and lake users. There are times when there is not enough water to float a boat, because the water has been released by the dam. She stated that the process of withdrawal creates pressure on the ecology and natural balance; real estate values get reduced, erosion issues occur, unplanned expenses occur, and there is accumulation of sediment. She suggested that the Board meet with the 2 secretaries and discuss management of the lake in light of these expressed concerns.

Board Member Browning moved that Mr. Weinberg draft a letter addressed to the Secretary of MDE and the Secretary of DNR regarding the Board's continued concern about the water levels and limits to recreational use of Deep Creek Lake. The motion was seconded, and the Chairman called for a vote. The motion was approved unanimously by the eight members present.

The Chairman asked if anyone in the audience wished to comment to the Board. Several members of the public expressed concerns about the levels of water in their coves, especially during the past two summers. Audience members questioned whether this difference in water level was due to the revised MDE permit. Another audience member provided information about the cost to several commercial marina operators, when those marinas had to move their docks because of low water levels. Other commenters expressed concern about the economic impact of low water levels on the boat owners, and advocated that the lake water level should be kept at a higher level.

Chairman Myerberg thanked the members of the public for their interest and participation. He noted that Lake Management is working with the Attorney General's office to revise the regulations that govern use of the lake and Buffer strip. The Board will review any new regulations and recommend changes and improvements.

Meeting adjourned at 8:03 p.m.

Reminder announcement that the next quarterly meeting of the DCL Policy and Review Board is scheduled for Monday, October 24th beginning at 6 pm.

Respectfully submitted,

Dana Mueller, Recording Secretary

Attachments: POA letter dated August 10, 2011

Email from Brookfield Power, Randy Garletts dated August 18, 2011

Cc: Maryland Park Service (MPS) Superintendent, Nita Settina

DCL Manager, Carolyn Mathews

MPS Regional Manager, Cindy Ecker

July 2011

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Monday, July 25, 2011 at 6:00 p.m.

Deep Creek Lake State Park – Discovery Center

Board Members In Attendance: David Myerberg, Chairman; Lou Battistella, Jamie Coyle, John Stakem, Susan Fowler, Commissioner Robert Gatto, Bob Browning, Barbara Beelar, Senator George Edwards and Delegate Wendell Betizel

DNR Representatives: MD Park Service, Carolyn Mathews – Manager Deep Creek Lake Recreation Area; Major Cindy Ecker – Western Regional Manager; NRP - Sgt. Harry Cage; Assistant Attorney General Marianne Dize

Guests: Alternate for the Delegate, David Moe; Alternate for the Senator, Barry Weinberg; Commissioner James Raley

35 members of the public were in attendance.

Chairman Myerberg called the meeting to order at 6:03 pm. Copies of the minutes from the April 25, 2011 meeting were distributed and approved.

Motion: Chairman Myerberg asked for a motion that the minutes be approved. The motion was carried with a unanimous vote to accept the minutes of the April 25, 2011 meeting.

Rules: Chairman Myerberg asked that the sign in sheet be signed by the public and that they note if they wished to speak.

Report of Response from MDE - Mr. Grace: There was a lingering question about the difference that 200 cfs and 300 cfs in river flow makes to the whitewater community. Chairman Myerberg was directed to Brookfield Power plant operator Randy Garletts for a response to the question. Garletts explains in an email which was read aloud by Chairman Myerberg, that with only 200 cfs, rocks are exposed which threatens the safety of white water rafters. The effect of using 300 cfs would be negligible on the water level in the lake. Chairman Myerberg noted that if any members of the public had any further questions to contact Mr. Garletts. Chairman Myerberg then asked if any members of the board had concerns. Leakage during power generation that was reported to be 9 cfs and calculated at that level into the cold water releases has been found to be much greater. This matter and what action is being taken by Brookfield to reduce or stop the leakage were discussed by members of the board. It was noted that Brookfield is installing a new river monitoring gauge below the tail race to better monitor flow from the dam. Lake sedimentation that may occur as a result of a higher water level was then discussed.

Report of First Finance and Projects committee: Chairman Myerberg explained that this committee was created to look at the finances of DCL to see what monies have been spent and what the PRB could look towards for making recommendations to the Secretary. There will be more sub-committee meetings about this in the future. A gentleman in the audience asked if the committee is going to address private funding given to DCL. Chairman Myerberg commented that that was a good idea.

Report from County Commissioners: Commissioner Gatto announced that a meeting with DNR Secretary John Griffin, MDE Secretary Bob Summers and other DNR and MDE staff has been arranged for August 4th. The agenda is an open discussion about the lake to see what has been done and what needs to be done. Commissioner Gatto noted that the county wants to help and to make sure that the income the county receives from the lake is well spent for the benefit of the lake. Commissioner Raley said the information that has been provided has been invaluable. He also noted that they are willing to do their part; they just need to know what that is. Commissioner Gatto then noted that they are looking at the watershed to see what they can do to lessen the impact of land use practices that cause harm to water quality.

Dock License Plate Project: Carolyn Mathews commented that they only have 300 left to distribute and have sent second notices to permit holders to come pick them up. She also commented that the plates have to be up by the end of August and that the project has gone very well.

Natural Resources Police Report; Memorial Day Tragedies in MD Waterways: There has been an increase in fatalities across the state, but at DCL there have only been minor boating accidents. Sgt. Cage noted that there has been an increase in Driving While Intoxicated on the waters of DCL. He encouraged everyone to be vigilant and safety conscious while boating.

Updates:

- **Sediment Study:** Chairman Myerberg noted that Phase I of the Sediment Study is almost completed. Phase II has not been initiated due to lack of available funding from the normal DNR sources of funds for this type of work. Bill Heintz (audience) sent a letter and got a response from Kristin Saunders Evans, Assistant Secretary in DNR. The response (attached) stated that it is clear that many coves were not studied close to the shoreline. The response also said that there is not funding for the additional study. Chairman Myerberg asked DNR Resource Assessment Service (RAS) Director Bruce Michael what will be lost in reference to scientific data if the study is not done this year. Michael's email response (attached) says that the only data that will be lost is that the snapshot of sediment thickness in the coves will change. Chairman Myerberg doesn't know how to weigh this potential \$180,000 expenditure with everything else that needs done, which is a purpose of the PRB financial sub-committee. He also notes that the response of Mr. Michael doesn't indicate that much will be lost by not doing this part of the study immediately. Chairman Myerberg then left it up to discussion by the board. A man in the audience questioned whether

DNR will look at dredging DCL or not. Carolyn Mathews responded that there isn't enough information to make that type of decision yet. Barbara Beeler shared that Phase II of the study would have scientists look at 10 coves. Additionally, in her opinion, if there are two coves getting deeper, further testing in those two coves would not help with any information. Methods of dredging were further discussed and whether "dredging" or "scraping" is the correct term to be used. Jamie Coyle asked whether it is anyone's intent to scrape DCL lower than it was. An audience member commented that in his cove, the water depth has significantly decreased.

- Proactive approach to septic systems: Chairman Myerberg notes that septic systems around DCL are ancient and there are no regulations for them. He notes that this is a biomass that is going into the lake. Sampling does not reveal that high levels of e-coli are present but Chairman Myerberg believes that old and leaking septic systems will lead to this. He believes that there should be regulations for home owners that would require them to clean out their septic systems.
- Is the DCL Recreation and Land Use Plan a 10 Year Plan?: Barbara Beeler commented that she has come to understand that the plan is not a 10 year plan. There is no requirement for interval re-writing of the plan. Marianne Dise, Asst. Attorney General at DNR said that neither the statutes nor the regulations require that the plan be reconsidered at any particular time.
- Barbara Beelar reported that the Friends of Deep Creek Lake received an EcoStar/Constellation grant to locate and assess the road culverts opening into the lake: Chairman Myerberg noted that this is a very important issue. Kenny Weaver and Keith Stein, students who worked this summer for the Friends of Deep Creek Lake, gave a Powerpoint presentation showing some of the culverts. Chairman Myerberg thanked them for the presentation.
- NALMS and other lake conferences: Carolyn Mathews commented that the NALMS meetings are very informative and recommended that members of the PRB should join the organization. The annual meeting this year is on the west coast and due to budget constraints, there is a travel restriction on DNR employees. Most likely the Lake Management office will not be able to send a representative.
- Friends of Deep Creek Lake took pictures this summer at a dump site along Foster Road at a tributary. Barbara Beeler used a Powerpoint presentation to discuss what they found there. Commissioner Bob Gatto commented that this dump is on private property. Beelar said that the property owners told her that they would clean up the debris.
- Submerged Aquatic Vegetation (SAV's): Chairman Myerberg said that Barbara Beelar emailed him concerning milfoil in DCL. DNR Resource Assessment Service was quick to respond in evaluating this situation. (Attached email of Bruce Michael dated 6-28-11) DNR said that this invasive SAV is present in the lake but grows in colonies with other native SAV species. (See Deep Creek Lake Submerged Aquatic Vegetation Survey, Report of Summer 2010 Survey Activity, dated February 4, 2011, in the DNR web site.) DNR is continuing its SAV study this summer and will try to incorporate an assessment as to whether this particular species is becoming invasive. It is very difficult to identify several of the related species without a microscope. Barbara Beeler argues that there is a huge increase of milfoil.

Motion: Lou Battistella noted that the meeting needed to be extended. Chairman Myerberg asked for a motion to extend the meeting. The motion was made and seconded. No one opposed.

Listserve for PRB or depend on other listserves as a means of communication: It is explained that a listserve is an email list. Barbara Beeler comments that there is a core group of people who come to these meetings and there needs to be a way to communicate if a meeting time or place is changed.

Motion: Chairman Myerberg made a motion that a PRB Listserve list be made. The motion was seconded, but did not pass.

Deep Creek Watershed Stewardship Awards Subcommittee: Chairman Myerberg noted that people who do demonstration projects to help DCL should be recognized. He referred to the presentation that was made by Friends of Deep Creek Lake as an example. It was decided that a recommendation for such stewardship awards will be brought up at a county commissioners meeting.

Participation in Upcoming POA Workshop: Chairman Myerberg commented that he is aware that the POA Water Quality committee is coordinating another lake workshop for this fall. The date is not set yet but participation will be by invitation only.

Announcements:

- Clean boating act regulations on the horizon which will affect everyone involved with DCL
- DCL POA meeting at 8:30 a.m., August 20, 2011 at the Garrett Eight Cinemas

Audience comments:

- An audience member had a question about the new boat noise on DCL. Carolyn Mathews noted that the public comment period is over and no changes were made after that to the proposed regulation so in effect for 2012 will be a lower decibel level for boats - from 90 to 88. Lou Battistella commented that the new language for this regulation will be posted on the POA website when it becomes available.
- Audience member also asked about sending the minutes to the public who attend the meetings. Response was that they are posted on the DCL NRMA website after they are approved at the following meeting.
- Senator George Edwards commented that there may some money left from the Waterway Improvement funds. He commented that the Governor is who decides how the money is to be spent. He suggested that members of the board and public send letters to the Governor asking for the money that is needed to fund Phase II. He also noted that he will do his part on his end to get the money that is needed.
- Another man from the audience commented that the budget for Phase II of \$180,000 needs to be increased to include the cost of dredging DCL.
- Marianne Dise clarified for the general public that the purpose of the PRB is to advise the Secretary of DNR about their concerns for issues on Deep Creek Lake, not the Governor.

The date of the next meeting was set for 6:00 p.m., October 24th 2011 at the Discovery Center.

Chairman Myerberg thanked everyone for coming. He then asked a board member to move for adjournment. So moved and seconded. Approved.

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Sarah Skidmore, Recording Secretary

Cc: DNR Secretary John Griffin

Maryland Park Service Superintendent Nita Settina

MPS Regional Manager Cindy Ecker

April 2011

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Monday, April 25, 2011 at 6:00 pm

Deep Creek Lake State Park – Discovery Center

In Attendance: David Myerberg, Chairman; Lou Battistella, Jamie Coyle, John Stakem, Susan Fowler, Commissioner Robert Gatto, Bob Browning, Barbara Beelar, and Senator George Edwards and Delegate Wendell Beitzel. Alternate Barry Weinberg was in the audience.

DNR Representatives: MD Park Service, Carolyn Mathews – Manager Deep Creek Lake Recreation Area, Mark Spurrier, Assistant Manager of Deep Creek Lake Recreation Area and Eric Null, Natural Resource Planner; Major Cindy Ecker – Western Regional Manager; NRP – Lt. Greg Bartles and Sgt. Dave Marple

Guests: John Wilson, DNR Associate Director of Land Acquisition and Planning

28 members of the public were in attendance.

Chairman Myerberg called the meeting to order at 6:04 pm. Copies of minutes were distributed for review.

Minutes: Chairman Myerberg asked for any corrections to the minutes. Barbara Beelar requested a correction on page (3) under the Old Business. She noted that Circle Cove should be Deep Creek Cove and Mallard Loop. There were no other changes made to the minutes.

Motion: Chairman Myerberg asked for a motion to accept the minutes as changed. Lou Battistella made the motion, Barbara Beelar seconded. The motion carried with a unanimous vote to accept the minutes from the Feb. 7th meeting as corrected.

Rules: Chairman Myerberg noted he had discussed with the board members having a meeting sign-in sheet. All agreed that at DCLPRB meetings, members of the audience should sign in and at the end of the meeting, the audience members can address the Board with questions. It was noted there will be times when a subject will consume the discussion time and it will be at the discretion of the Chair and/or other Board Members to include members of the audience in the discussion. Discussion followed that a lot of interruptions cause the meeting length to be extended and further discussed that a listing of Board Members email addresses or contact information may be a helpful tool on the website for members of the public to contact members directly. The sign-in sheet for the audience should include name, address and email address to build an email data base. It was also noted that changes need to be made on the Deep Creek Lake website to provide board member contact information other than what is presently found there. It was suggested that if a group would like to address the Board, the spokesman should sign up on the sheet. A sign up sheet was distributed to the audience. From the audience, Bob Hoffman asked what the restrictions are regarding the number of times the Board can meet throughout the year. The DCLPRB must meet four (4) times per year and additional meetings can be called to address a situation as long as the situation has something to do with the business of the board. It was also noted that sub-committee reports of the DCLPRB do need to be approved as part of the minutes at the meetings publicly as part of "sunshine laws".

Conservation Easement Application Review: Chairman Myerberg noted that the DCL PRB members are part of the review of applications from property owners who request to make alterations to the property that is covered by the Deed of Conservation Easement. A suggestion was made to narrow the current review process to lessen the burden on the Board members. Discussion included that this particular review process was one of the main tasks of the DCLPRB has, and that pictures to the applications have been added. The process becomes clearer with more experience. It was decided that the current review process is not too burdensome for the Board members and no motion was needed in regards to this discussion.

Sediment Plan and Water Quality Work Group– John Wilson, DNR: Chairman Myerberg welcomed John Wilson the Associate Director for Land Acquisition and Planning in DNR. Wilson facilitates a work group of stakeholders interested in the water quality of DCL. He provided an abbreviated visual presentation of several reports that were made at a recent meeting of the work group.

He noted that the Department pooled together several funding sources to do a Phase I sediment study. At this time that study is about 80% complete. The final work will be done this spring. These are preliminary results. If adequate funding could be found for Phase II, a portion of that study would include identification of the sedimentation sources. Phase II has not yet been funded, and will cost approximately \$180k. Discussion followed with several board members emphasizing the importance of Phase II being completed. There was some discussion of possible sources of funds.

A discussion followed regarding the DCL Reserve Fund and how the board could provide direction to pick and choose what tasks need to be addressed next with those funds. It was noted that the Board should know what amount is available in that fund. Discussion continued whether this was a responsibility of the DCL PRB. Chairman Myerberg expressed his opinion that the Board should be aware of what the choices and projects costs and priorities are before the Board can advise.

Delegate Beitzel shared reserve fund balances from the past few years that he had brought with him. He added that when the State purchased the lake, legislation was passed to create the PRB and the DCL Management Fund. There was discussion about which salaries are paid from the fund and what expenses are paid from that fund. Mathews stated that all monies spent from the fund are only spent for the benefit of Deep Creek Lake not to cover expenses in other projects of the Park Service. It was discussed that the DCL Management Fund is the dock fees, ramp use charges and land leases and at some point there may be the need to seek other ways to supplement the Fund.

It was suggested by Lou Battistella that due to the amount of information regarding this issue, that perhaps a subcommittee could be established to work with Delegate Beitzel and gather the information and present it in an outline format to the remainder of the Board. Chairman Myerberg agreed that would be helpful and asked for volunteer committee members. Senator Edwards suggested that the DCL PRB should look at what has been studied, how long it was studied, what is the amount of change, and what needs to be studied on a regular basis. That would help to set the priorities and get the State to act as the catalyst for additional funding through the DNR and all could move in the determined direction in a timely manner.

Board member Barbara Beelar has been working on the Water Quality Work Group and attending the PRB meetings as a citizen for the past three years. She feels that the members of the PRB need to be better informed of work group information so the Policy and Review Board can work effectively together and to become better educated of what the group is doing. Chairman Myerberg expressed his view that all of this information could come out of the formation of a subcommittee that Lou Battistella suggested. The following board members will be the subcommittee that meets with Lake Manager Mathews: Delegate Beitzel: John Stakem, Bob Browning and David Myerberg.

Motion: Lou Battistella made the motion for the formation of the subcommittee, Barbara Beelar seconded the motion. There was no discussion.

An audience member asked if some of the reports could be put onto the website. Carolyn Mathews said the reports would be placed on the Deep Creek Lake Management website. John Wilson stated that the website is in the process of becoming more user friendly so those interested can find the information they are seeking. Mathews noted that three years of water quality reports are posted.

Chairman Myerberg noted a motion was on the floor for the formation of a subcommittee related to finance and added to the motion to put together a dashboard of this group that will take into account all of the things presented to the Board and to prioritize issues, who the reporting people are, and the time frame for progress on each issue. Lou Battistella agreed to the changes to the motion, Barbara Beelar agreed to the changes as her second to the motion. The motion passed unanimously.

Water Appropriation Permit Changes Regarding Lake Water Levels: Chairman Myerberg reported that a letter was received on this date at approximately 4:15 to 4:30 PM from the Department of Environment. Water Supply Program Director John Grace emailed the letter to members of the Board and the Lake Manager. Chairman Myerberg read the letter (attached #1). A revised permit will be presented to Brookfield Power soon. Their analysis revealed that the additional white water release during the summer months and the changes to the temperature enhancement protocol would on average reduce the lake levels by .3 feet during the boating season. (3.6 inches) The changes recommended included the upper rule band would be extended to an elevation of 2461 for the full month of July and will decrease at a rate of one inch per month for August, September and October. Excursions of up to .3 feet above the operating rule band not lasting more than 21 days are allowed from May through October to provide Brookfield Power additional flexibility to accommodate periods of high in flow. The need to run temperature enhancement release protocol on scheduled white water release days is eliminated. The natural flow level for determining maximum power house discharge for white water release is changed from 200 cubic feet per second to 300 cubic feet per second out of concern for safety. A new condition will require Brookfield Power to monitor wicket gate losses and develop and implement a plan to reduce the wicket gate losses to 9 cubic feet per second as specified in the permit. Another document accompanied the letter that explained some of the considerations in more detail. (Attached #2)

A discussion followed whether the Board should write a letter and share their extreme disappointment that Mr. Grace did not make himself available to attend the meeting. There followed discussion regarding the wicket gate that contributes to the loss of water and that a draw down will be necessary to repair the wicket gates. It was discussed that something should be put into the permit to maintain the rule band. Chairman Myerberg pointed out that the conditions of the permit can come up every year and said that the DCL PRB would stay on top of the situation. It was questioned if there is an appeal process. A member of the audience pointed out the positive aspects of the letter from John Grace which would total an additional 9 inches once the wicket gate situations are corrected.

Chairman Myerberg clarified several comments: the PRB cannot appeal as it does not have "standing" but individuals can seek their own recourse through an administrative law judge, either individually or collectively. It was noted that a letter will be sent to MDE to advise as to how the DCL PRB feels in regards to the permit changes. There was further discussion regarding item four in the letter regarding the increase of 200 cubic feet per second to 300 cubic feet per second. Chairman Myerberg informed the audience and the Board that additional clarification is made available regarding item four.

Motion: Chairman Myerberg suggested that a vote be taken that the Board send Mr. Grace a letter expressing their disappointment in his permit decision. Barbara Beelar moved to send such a letter. Chairman Myerberg asked for a second to the motion. No second was received. The motion died for lack of a second.

Waste Water Issues: Lou Battistella

Mr. Battistella distributed a report which will be included in its entirety with these minutes. The report is a report of the public utilities department in regard to odor control. Monthly reloads of the bacteria were performed and three additional dosing stations were added to the system. Dept. of Public Utilities to provide five odor logging units installed at the major pumping stations in order to measure the hydrogen sulfide levels in the system. The data is being evaluated.

Delegate Beitzel added that there is a study of septic systems around the lake. He suggested getting on board with pursuing the alternatives. There was discussion regarding the Bill that included septic system perimeters but that Bill did not pass. Carolyn

added that she just had her first situation with a nitrogen reduction system for installation in the conservation easement property due to a failing septic system. Several conditions must be met in order to receive permission for this type of installation.

State of the Watershed:

Barbara Beelar had members of the Friends of Deep Creek Lake distribute copies of information that this group has been working on educating property owners and others about the lake. She shared that in her observation research was being done by multiple agencies but no one was putting the data together as to what is known about the lake. A proposal was sent to Chesapeake Bay Trust and partnered with University of Maryland Eco Check program that produce report cards by compiling all of the data that is available. They integrated the data and the goal was to produce a report card on DCL. A quick view of the data concluded that DCL was in pretty good shape. However the sampling is only being taken in the middle of the lake or the major arteries of the lake. The Eco Check report determined that there was not enough data on all of the lake to prepare a better report card. They look at the lake and at the watershed. Eco Check has prepared a four page recommendation and finding. One of the recommendations is to begin a study of the near shore zone where most people make use of the lake for swimming. In summary other areas of the lake need to be tested including the cove areas, and there are possible major problems with the tributaries to the lake. Chairman Myerberg said that this report would be reviewed by the subcommittee to determine the list of priorities and thanked Ms. Beelar for her report.

Audience Speakers:

Sandy Hill, President of Stillwater – addressed the low water levels is pitting agencies against agencies but suggested to remember every time there is a release it is Brookfield Power who is benefiting from the release. It was noted that Brookfield Power maintains the dam.

Ed King: Wanted to comment on points one and two in John Grace's letter. He noted that these points in a dry year do not mean a lot. But the extension of the months was helpful. Mr. King also noted that Mr. Grace's letter extended times that water can be above the rule band and he adds that it is not a total loss and that they did give something if we have heavy rains between now and July. The scenarios are dependent upon the amount of rainfall received. Ms. Beelar mentioned that higher water levels will have an effect on shoreline erosion and other environmental impacts.

Chairman Myerberg asked for any other comments. None were initiated. Chairman Myerberg thanked everyone for coming and had two announcements. The first is there is a Boating Services meeting about boat noise on May 26th in the Discovery Center at 6 pm. Chairman Myerberg introduced Marianne Dise from the Attorney General's Office who is assigned as counsel to the DCL PRB, and Eric Null who is a new employee in the Deep Creek Lake Management Office. He is a Natural Resource Planner and will be working with the water quality studies and other resource issues as they arise.

The next meeting of the DCLPRB was set for July 25th at 6 pm at the Discovery Center.

No motion was made to adjourn the meeting. Meeting ended at 8:05pm

Respectfully submitted,

Jan Beem, Recording Secretary

Attachments to the official record: 1) April 25, 2011 citizen letter from John Grace, MDE; 2) MDE response to comments DCL low rainfall totals

February 2011

Deep Creek Lake Policy and Review Board (DCL-PRB)
Regular Quarterly Meeting
Monday, February 7, 2011 at 6:00 pm
Deep Creek Lake Discovery Center

In Attendance: David Myerberg, Chairman; Lou Battistella, Bob Browning, John Stakem, Susan Fowler, Barbara Beelar, and Commissioner Bob Gatto

Absent: Jamie Coyle, Delegate Wendell Beitzel, and Senator George Edwards

DNR Representatives: MD Park Service, Carolyn Mathews - Manager Deep Creek Lake Recreation Area; Major Cindy Ecker – Western Regional Manager; NRP – Lt. Greg Bartles, Sgt. Dave Marple; and Sgt. Harry Cage

Guest Speakers: Bob Gaudette and Mike Grant with DNR Boating Services

25 members of the public in attendance

Introductions: David Myerberg called the meeting to order at 6:02 pm and began with introductions of the new board members, Barbara Beelar, Sue Fowler, Commissioner Bob Gatto, and himself. Chairman Myerberg asked those in attendance to address him as David. The Chairman discussed how, at some future point in time, he would like the board to discuss communication of the Policy Review Board to the community which was not an agenda item for this meeting. Chairman Myerberg wants the board members and the community to think about what is needed for more direct communication options. For instance, when the sewage spill occurred last summer, many Board Members and the public knew nothing about it for some time. It was suggested to talk about it at some point to discuss electronic means of communication or other ways the Policy Review Board and members and the community can be informed of such events. Resolution Honoring Departing Board Members: The Chairman suggested that the Board draft a resolution honoring individuals who have recently gone off the Board, who worked for so many years to make the lake better.

Motion: The Chairman asked for a motion to be made for a couple of members to get together to see how they can word a resolution to these former Board members to bring back to the next Board meeting. Lou Battistella so moved and the motion seconded by Commissioner Bob Gatto. There were no oppositions to the motion, and the motion passed unanimously.

Report on Waste Water Issues:

Beneficial Biofilm Installation: Lou Battistella (DCL Property Owners Association, POA, representative on the Board) indicated that

he received a status report from Linda Lindsay, Director of the Department of Public Utilities. (DPU) (Attached) There are several issues that have been discussed and Ms. Lindsay has been keeping the POA Board abreast of the improvements. The Garrett County Dept of Public Utilities has contracted with In Pipe Technologies (IPT) to provide services within DCL Sanitary Sewer Collection and Treatment system. IPT services include the installation and monthly maintenance of 15 dosing stations within the sewer collection system. The main goal of the contract is to control unwanted odors throughout the sewer collection system with the secondary goal of improving the DCL wastewater treatment plant operations by establishing a beneficial bio-film within the collection system. The dosing equipment at each location consists of a water tight panel with a battery operated dose pump and a one liter bottle of IPT solution. The liter bottle will last for a month and is routinely replenished as part of the contract. IPT provides a proprietary mix of soil bacteria in spore form to be continually dosed into the collection system. The bacteria have been selected by IPT because, when continually dosed out, they will compete and replace the bacteria that naturally occur in the waste water in the bio-film layer of the sewer collection system. When IPT bacteria are introduced they will form a new bio-film layer on the inside the collection pipes. This is important as the bacteria native to the waste water and bio film layer seek certain compounds in the waste water as a food source. That process yields the majority of offensive odors experienced within the sewer collection system. IPT's bacteria seek different compounds in the waste water for a food source that do not produce offensive odors. IPT bacteria are also adept at breaking down fats, oils, and greases, which pose very costly problems at the pumping stations.

The Department of Public Utilities and IPT installed the dosing panels and began dosing the collection stations on October 27, 2010. Since then, IPT and DPU and have conducted two monthly reloads on November 27th and December 27th. DPU and IPT are also investigating the one time dose of an IPT bacteria using an individual grinder pump to promote as much bio-film production as possible. IPT indicates that a typical conversion period of natural bacteria to IPT bacteria is 60 – 90 days at which time significant improvements should be realized. January 27, 2011 will be 90 days of treatment period and DPU has noticed and documented a decrease in fog and odor in the majority of the collection stations. DPU conducted a sampling event on January 24, 2011 to quantify the presence of IPT bacteria throughout the collection system. The DPU and IPT's goal is to realize zero odor complaints from the residents and visitors to the DCL area.

In previous meetings with Director Lindsay, and at the POA meeting earlier this year, it seems as though this is not a problem to just DCL sewer systems, but happens at various systems and places where you do not have full-time residencies. When the septic systems and grinder pumps are dormant because of inactivity, the odors form into gases that get into the system. Then when the pumps do kick on, it forces the cloud of gas through to the pump and transfer stations. The gases often are visible at the stations at Glendale/ Rt 219 and also at Lake Shore Drive/Rt 219.

The backup pumping system – Following the sewage spills at the lake during the summer of 2010, DPU began searching for a viable independent back up system for the main pumping stations in order to maintain flow in case of an electrical outage or malfunction of electrical components or malfunction of an emergency generator. Godwin Primed Diesel pumps were selected and DPU took delivery of three pumps on August 10, 2010. The pumps were installed at the three largest pump stations on the system. Following the installation and the connection of the pumps, DPU began experiencing operational issues with the units. DPU contacted Godwin representatives, reviewed the issues being experienced with their engineering division and alterations to the suction devices were recommended and applied which yielded moderate improvements. One pump also lost fuel in the prime and also experienced freezing in the loop bowl.

DPU concluded that Godwin pumps could not perform as expected and specified. The pumps were returned to Godwin for a full refund. DPU has investigated alternate pump manufacturers, has met with another company in order to secure replacement units. New pumps will be secured under a rental basis in order to verify they meet the system requirements and perform as expected prior to purchase. DPU is also evaluating the possibility of installing overflow tanks at pump stations in order to provide additional drain for emergency situations.

Pump station control panel upgrades – DPU is pursuing upgrading the existing pump station control panels with new advanced control units with one of them from a company where a DPU electrician recently attended a training seminar sponsored by FE Myers, the manufacturers of the current pumps and control panels. Representatives presented state-of-the-art methods for increasing pump station efficiency and advance technology and emergency notification systems. A company representative is scheduled to be on site January 25, 2011, in order to evaluate the present system and to provide a recommendation for upgrading to new technology including pre-engineered customizable control panel sensors and alarm systems. DPU will be requesting a product test of the proposed control system in order to determine efficiency and reliability.

Chairman asked if there were any comments from the members of the Board or questions. The Chairman requested that this be included as part of the minutes and then asked for questions or comments from the public. This item will be included on the agenda for the next meeting. Chairman asked if the results of the sampling that was conducted were known and Mr. Battistella responded that the results were not known.

Old Business:

Chairman requested a review of the minutes from the last meeting which was held on September 27, 2010, and indicated that the Board members have had a chance to look at those minutes. Chairman asked for any changes or questions related to those minutes. Chairman asked for a motion to accept the minutes. Barbara Beeler moved to accept the minutes; the motion was seconded by Sue Fowler. Chairman asked if there were any questions. Barbara Beeler asked if the letter from about 25 people from Mallard Loop had been distributed to the board members and it was discussed that it had been handed out at the last meeting to Board Members. Carolyn Mathews indicated that the Board Members received it but it was not attached to the review copy of the minutes. Ms. Beeler indicated it was important because about 25 people from that area attended the meeting but only one person was able to speak. It was discussed and decided that the letter (attached) would be added to the minutes from the last meeting. The Chairman asked for any questions or objections to that addition. (none heard) An audience member asked where the minutes are posted. Ms Mathews shared that once meeting minutes are approved they are posted on the DCL Management website. Now, with the approval of the September, 2010, minutes they will be posted on February 8, 2011 and will be available for review along with the letter attachments.

Motion: The Chairman indicated there was a motion and a second on the floor to approve minutes the minutes as presented with the noted attachment without any opposition. The motion passed and the minutes were approved.

Lake water level Committee Report – Lou Battistella – The PRB Water Level Sub Committee met in December by teleconference and in person with the Maryland Department of the Environment (MDE) Water Appropriation Chief, Mr. John Grace. Others in attendance at the MDE office were MD Park Service Regional Manager Cindy Ecker with PRB members Barry Weinberg and Jamie Coyle. Participating by telephone were John Smith, Jason Zayo and Sean Seaman from DNR – Power Plant management. Also, participating by phone from the DCL Management office, Carolyn Mathews-Lake Manager and PRB members Bob Browning, Lou Battistella and Steve Green. A document created by MDE with numerous graphs and charts was distributed prior to the meeting. The meeting started at about 9:30 and ended at 11 am. (Please note that the MDE has a webpage regarding the Power Plant permit change process at http://www.mde.state.md.us/programs/Water/Water_Supply/Pages/DeepCreekLake.aspx) The graphs and charts were reviewed and discussed. Some ideas were put forth as possible solutions to the late summer water level situation at DCL. One of those suggestions was to extend the upper and lower rule band levels – expanding June's upper level into July and August before curving downward. Another suggestion was to consider removal of the provision for the one foot of water below the lower rule band that is in the permit. This provision allows the power plant flexibility when drought conditions are encountered. Also requested was re-evaluation of the protocols for temperature enhancement releases for the trout in the Youghiogheny River and continued monitoring how the permit conditions are affecting the lake. John Grace said he would continue to look into these possible solutions and he suggested he would touch base with the committee by mid-January. Before any changes can be made to the permit he will have to discuss the proposals with Brookfield Renewable Power representatives, who have not been part of the committee meetings. Other stake-holders regarding the waters of the lake also need to be involved in any considerations to changes to this permit, namely the others who are approved to remove water from the lake, such as Thousand Acres golf course and the Wisp Resort. Other stake-holders dependent upon water from the lake include whitewater interests, the trout fisherman and other water recreation interests.

Mr. Battistella explained that he had tried to organize a face to face meeting with John Grace. On Wednesday, February 9, 2011, PRB sub-committee members are scheduled to go to Baltimore to Mr. Grace's office and meet with him, the other stake-holders and Brookfield to discuss this in an open forum.

The Fisheries Service submitted a report which Mr. Battistella has a copy of and distributed to the other member for review. (attached) The PRB sub-committee asked if it was possible to raise the water temperature higher for the trout. According to Fisheries, the water temperature in the river has been raised to the highest possible temperature for the trout survive. Mr. Grace will review the report. There are many things to consider. Any adjustments to the function of the permit need to be feasible for Brookfield because number one - anything that happens here has to be profitable for Brookfield because they purchased the dam to make money and they are also very important to the maintenance of the dam.

The meeting is scheduled for Wednesday to go over all of the options and then John Grace would like to have another meeting in March around the same time of the month – second week of March. Mr. Battistella said he had requested that the committee have a solution to this issue so that the people can have the summer boating season back to where it used to be. We need to have information released by the April DCL PRB Meeting, which is basically the start of the DCL boating season.

Chairman Myerberg asked if the Board or public attendance had any questions.

One of public present asked if John Grace was amenable to the schedule. Mr. Battistella informed the Board and audience that Mr. Grace was agreeable to the schedule requested by Mr. Battistella and the committee. There was a question if that was expressed in his letter and it was noted that it was. Barbara Beeler asked if there was any indication that, at some point, there would be a larger open meeting for stakeholders, and Mr. Battistella indicated there was. Mr. Battistella said that Mr. Grace will be presenting his solutions at the next DCL PRB meeting in April.

Chairman Myerberg asked if Mr. Grace's only solution was the changing of the upper and lower rule band. Mr. Battistella replied that was the way it sounds right now. Chairman Myerberg asked what that change would be or will that information be made available on Wednesday. Mr. Battistella replied that information would be disclosed on Wednesday at the meeting with Mr. Grace. Mr. Battistella informed Mr. Grace that the committee did not have the money to conduct the studies. Mr. Grace told Mr. Battistella that Mr. Grace's department would conduct any necessary studies. Chairman Myerberg asked if Mr. Battistella thought Mr. Grace meant only to raise the upper rule band. Mr. Battistella replied just extend the upper band another month – not to raise it and not to get into an erosion problem.

A discussion followed and Susan Fowler questioned if the upper band level was ever reached last year. Carolyn Mathews explained that the lake reached full pool in late April. Ms. Fowler indicated it didn't seem like it was as long and Ms. Mathews said that when the rains stopped in June it didn't maintain its level -- and it did go down quicker.

Ms. Mathews suggested that MDE may not have to do tests as much as they may have to do modeling – putting different equations into the system and tracking results with different scenarios. Carolyn just wanted to clarify that there isn't months' worth of testing that has to be completed but rather modeling that needs to be done using computers. The time it takes to run models depends upon the number and complexity of the variables used.

Barbara Beeler posed a question to Mr. Scott Johnson who had an opportunity to go through this process the last time around. Ms. Beeler asked if Mr. Johnson had any thoughts whether the sub-committee will be out numbered by trout interests, white water interests, and the other interests. Mr. Johnson indicated that in the past, when this issue was discussed, he was the lone person in the room representing POA interests. He said the rule bands stayed the same in the last permit renewal. But some white water people asked to move some dates from spring to summer or summer to spring netting total release but spread differently. Mr. Johnson believes that following that discussion the white water people may have bent somebody's ear about additional releases, but he believes that the amount of the release would result a 1-2 inch difference, which represented the POA stake holders the same way they had been represented in the past.

Mr. Battistella interjected that the most upfront conversations regarding the permit happened at the DCL PRB meetings and the PRB and the POA were told that there were no changes to the permit that the permit goes as is. Then meetings were held in

Annapolis or Baltimore and there was no attendance by PRB or POA at that time because they were told there was no change in the status of the permit. Mr. Bastistella indicated that at this point the committee will follow this situation through. Mr. Johnson added that he had forgotten about some meetings that were held in Friendsville that he attended with some POA members including Barry Weinberg and others on the PRB, and that was part of that discussion.

One of the public present asked whether the Chairman would continue to involve all of the original Water level Sub-committee in this process until resolution. Chairman Myerberg said that decision is up to the PRB but his preference would be to continue the same membership of the sub-committee. There were members on that sub-committee who are no longer on the PRB. They played a very important role on that committee and produced a great report. Chairman Myerberg shared his opinion that you need more input on these matters than what is available on the board to make a sub committee go well. Chairman Myerberg asked for a motion to continue Barry Weinberg and Steve Green on that sub committee and if in the future to add people from off the board on the sub committees to strengthen the goals of the PRB. Chairman Myerberg asked the Board Members to debate this concept and pass a motion if necessary. Barbara Beeler agreed and thought it was an excellent idea and felt that it would assist the process in a timely manner. Ms. Beeler indicated that it is her hope that Steve Green would be willing to remain on the sub committee and agreed they would continue and to use the same policy for subsequent committees going forward. It was suggested to include a request for the former board members inclusion in the sub committee with the resolutions honoring them. It was discussed that Barry Weinberg was interested in remaining on the sub committee. Chairman Myerberg has not had a chance to talk to Steve Green personally but it appears there is an interest by Mr. Green to remain on the sub committee.

Chairman Myerberg asked if there was any other discussion and John Stakem noted that the expertise that the former board members bring to the sub committee and the knowledge they bring to the board and to the newer members and what they can bring to the situation outweighs getting someone else up to speed. Mr. Stakem agreed that Steve and Barry should be kept on the committee as long as it is deemed necessary until a solution has been found to the drop in the water level situation. Bob Browning agreed that it is obvious to maintain the former board members on the sub-committee.

Motion: Chairman Myerberg asked for a motion to continue Barry Weinberg and Steve Green on the water level sub committee and, in the future, to add people from off the board on sub committees to strengthen the goals of the PRB. Also that the policy be changed that former board members could remain on sub-committees they were on and would remain so until the work was deemed no longer necessary by the board. Barbara Beelar so moved. It was seconded and unanimously approved.

Patrick Santelli, a Paradise Acres Road property owner from Pittsburgh attended the meeting tonight to share his opinion. Mr. Santelli had sent an email to Lou in the fall with his thoughts and did not see a reply or an acknowledgement. His concern is that the comparison is not accurate when you live on a cove and shared that he had to take his boat out last year the second week in August and pointed out the economic impact of the lake in the county and that September and into October is a beautiful time to use the lake. His taxes are 5 figures and he pointed out that he has a lakefront home four months a year. He has concerns when he hears about for-profit businesses' requests for water and wondered if there was a contingency plan developed when these were approved. Mr. Santelli said he is new and feels that trend is disturbing.

Barbara Beeler replied to Mr. Santelli's remarks that there are two issues and at the last meeting discussed both of them and they were the level of the water and the dam. The way it has been drawn down the last couple of years has created a problem where there is less water in the lake for recreation and enjoyment. Then there is the lake aging process especially evident in coves where Ms Beeler is located. In those coves, sediment has built up which is making the water shallow. This is exacerbated by the draw down, so properties located in the coves at full pool have five feet of water about $\frac{3}{4}$ down the cove. If you draw down seven feet in early August, you don't have enough water to use your boat. Ms. Beeler shared that the DNR recognizes that and they are conducting a sediment study. We will hear this information at an upcoming meeting from somebody from DNR. They selected ten coves where they are conducting research but they did not select every cove and Paradise was not one of the coves selected for study. There are two things going on and both are being worked on and they are inter-related, and the attention of the appropriate agencies is looking at both which is hopeful.

Bob Browning added that the situation is being worked on and that everyone at the meeting is in support of finding a solution and the fight may be with the other interests including ASCI and Thousand Acres – which do pay for the water. The temperature and white water releases -- and the amount of water for Wisp and golf course irrigation is insignificant to the total water situation. Someone asked how the effect could be miniscule, but Mr. Browning said the impact of those entities are not even measurable on the chart. Other situations including evaporation and leakage around the turbines at the power plant were pointed out as other possible situations that affect water level more and the PRB is doing all it can to see that the lake level is maintained as lake users are accustomed.

Mr. Lindsley Williams mentioned he was glad to see the item of erosion addressed but said that when the level gets high that creates a situation in certain areas of the lake where you have shoreline erosion problems that adds a further complication to the over all situation.

One of the public present commented that the sub committee has been in existence for several months to a year and the has been doing a great job – dealing with stakeholders and also dealing with agencies in Baltimore that by their own admission were not aware of what was going on at DCL. He hopes that shifting the rule bands works, but does express a concern about the subcommittee being on a single track solution. If all the studies point to a solution and Brookfield refuses to make the adjustments, where does that leave everybody? A request was made that the sub-committee take a look at what changes need to be made to the permit itself if the rule band change is not going to work. Chairman Myerberg pointed out that there is language in the permit that allows for that and referred to that part of the permit. He noted that people are saying that the MDE is doing a tri-ennial review of the permit and that is not what is being done. PRB asked MDE to review the permit to find solutions to the problems experienced by the lake property owners. Chairman Myerberg noted there is language in the permit about making changes if necessary due to problems. Mr. Battistella indicated that John Grace has told him that if there is a problem it needs to be looked at now. When Mr. Grace came in September and he saw pictures of the coves, he did not know that was going on and he is has been very helpful and cooperative to make necessary changes.

Mason Hopkins has a home in the same cove as Mr. Santelli and has two or three concerns. He listened to the presentation by the operator of the Brookfield hydro plant when they presented at an earlier PRB meeting and Brookfield states that they follow the permit. That in itself is a problem. If the permit is not altered then Brookfield will continue to operate according to their understanding of the permit. He is concerned that if it isn't altered we will have the same problem in August/September, every year. His second concern, after the last time people were told there were no changes but changes occurred, and the question becomes who are the interest groups involved – and feels a contingency plan needs to be in place. Chairman Myerberg stated he was concerned that Mr. Grace was looking at one solution addressing the rule bands and suggested maybe on Wednesday he will explain in further detail. Mr. Hopkins stated he didn't know if there had been a study completed regarding the economic impact of some of the other items and he felt that white-water rafting does not contribute to the lake, the lake communities, or the businesses of the lake. He is concerned that economic impact is not sufficiently being used as leverage. Barbara Beeler and Bob Browning pointed out that there are other studies being completed about the financial impact. Chairman Myerberg asked that those studies be included with Wednesday's meetings and discussions. Mr. Hopkins requested that the lake users – boaters, fisherman, etc. impact in the community be compared to the white-water rafting impact. There was a discussion about the recent studies done by the Garrett County Chamber of Commerce. Further discussion followed regarding the water needs of the other stakeholders from the whitewater releases to the temperature enhancements for the fish and that the water level shouldn't go below or near the lower band level.

Chairman Myerberg indicated there would be more on this at the next meeting and possibly before then which confirms the need for additional means of communication with PRB members and the public. It was discussed that MDE has a page in the materials under review which is a pie chart showing a very small sliver regarding the releases for white water. Lou Battistella added that all of the economic impacts were addressed with Mr. Grace at one of the initial meetings and presented to him for inclusion in his considerations.

One of the public present asked who is looking out for the business stakeholders interests on the PRB and Mr. Browning indicated that was part of his responsibility as the appointed member from the Garrett County Chamber of Commerce.

Chairman Myerberg asked for any other discussion or questions regarding this issue.

Chairman Myerberg moved onto agenda item under Old Business regarding Permit Plates and Dock Renumbering Project and asked Carolyn Mathews for an update.

Permit Plates and Dock Renumbering Project: Carolyn Mathews brought the board up to date on the project and what will happen this spring with the new permit numbers on license plates. These look like plates for cars, they will be in three different colors – white indicates residential, yellow for common docks, and green is for commercial docks which will help the lake management personnel identify the permit type and dock type. There will be annual renewal stickers to indicate the permit year. These are being printed and will be ready by April 1st for the beginning of the boating season. When the permits are mailed out, an information letter about the plates will be included. We encourage people to pick up their license plates or they will be delivered – we don't want the added cost of mailing them to the permit holders. The permit holder will be responsible to affix the license plates to the docks – they will need to be displayed on the land and lake side of the dock as is in regulation now. We are attempting to have uniform display of the permit numbers, so there is a diagram on the letter. This is a joint project with Garrett County Emergency Management Agency. The permit number reflects how many feet you are from the north corner of the dam, then moving clockwise around the lake. Old and new permit numbers will be on the annual paper permit and the new assigned number is a GPS coordinate – so it is important that the plates be installed on the docks correctly.

Lou Battistella asked if the new system addressed the selling of a dock and Ms. Mathews explained that the plate designates a location and stays with the property. The plates must be removed if a dock is sold away from that property. Mr. Battistella asked what the consequences were if they weren't used and Ms. Mathews indicated that the permit holders will first be educated as to the requirement for the numbers and the purpose, and if it continues to be a problem, they can receive a citation/be fined/the permit withdrawn or withheld. Barbara Beeler asked that there should be a grace period and then following that the enforcement will be helpful. Ms. Mathews said new permit sites and replacements are not a problem at this time.

One of the public present who has three sets of docks asked how many plates he will be receiving. Ms. Mathews explained that he would be receiving 6 plates all with the same number but an A, B, and C to indicate which dock – A will be the closest to the dam and C will be the furthest and assistance from staff to get them placed properly will be available. Discussion followed about making sure docks are put back in the same location each year. Chairman Myerberg confirmed that if an emergency call is placed, the number on the plate would be used and the emergency personnel would respond to that location. Ms. Mathews confirmed that is the intended action.

Chairman Myerberg asked for any additional questions or comments. None made.

New Business:

Recreational Boating Issues

Bob Gaudette from the DNR Boating Services introduced himself and explained his responsibilities. He mentioned Mr. Bob Lunsford who had attended meetings in the past had retired and that Mike Grant, who he introduced, will be taking over those responsibilities and will be working with the DCL PRB.

Boat Noise Regulations: Mr. Gaudette reviewed boat noise concerns and a bill placed last General Assembly session 2010– Senate Bill 70. Most of the complaints received from the state regarding boat noise levels come from DCL representing 33% and 24% from north east side of the bay. Senate Bill 70 did not pass and ran into some unexpected opposition on the very last day of session. As a result DNR Secretary Griffin wanted to move forward on this regulation, however he wanted to concentrate on the two areas of the state that have the two biggest problems. The noise level decibels would be reduced from 90 to 88. Deep Creek Lake is unique because the law references boats on tidal waters and tidal waters of the state.

The Attorney General's Office felt that it would be more prudent that we place these noise regulations into DCL's own boating regulations, indicating they could be adjusted because things in the law are not applicable to DCL. (i.e. seafood harvests, hydroplane races, etc.) Mr. Gaudette has drafted a regulation pertinent to DCL and specifically for DCL. Mr. Gaudette quickly

reviewed what would be in the DCL boating regulation. A copy of the draft of the regulation was distributed. (attached) He noted that anything in italicized letters is what is being added. Mr. Gaudette explained the difference of the two decibels decrease and how it is measured and how significant the drop is. Mr. Gaudette reviewed the drafted regulations and noted the difference concerning the cut-off device.

After meeting with the board, previously, these regulations were deferred to the Boating Services to develop. Mr. Gaudette indicated he has discussed this draft with Senator George Edwards and Delegate Beitzel and Bob Browning to get an idea of the feedback. He feels it is fair and is interested to try it and see what kind of an impact it will have – the regulation may have to be tweaked.

The regulation would be advertised locally and Mr. Gaudette noted that Pennsylvania uses this same level on its lakes and rivers. One of the public present asked about the “cut-outs,” which are not allowed in PA and WV. These have to be disabled and they require a “through the water” exhaust. Mr. Gaudette said their regulations are very simple and sometimes even up to the discretion of the officer. If boats come into the state with a cut off device they will not be allowed to use that device, so the exhaust would have to go under water. Discussion followed about the exhaust and in-board motors and a question of engine at idle. Mr. Gaudette described that there was a different test for that noise known as the “pass by” test. One of the public present said that when he was on the POA board there was a sub committee that performed studies and looked at other regulations. They were told not to have separate regulations for DCL. He is pleased with the proposed regulation change.

Bob Browning commented regarding procedural issues with the regulations and does have a problem with making boating on this lake different from boating on other waters of the state. Mr. Gaudette said it would mimic the northeast portion of the bay and that to amend it specifically for DCL, Elk River, etc., was the original approach but the AG Office felt that since DCL has their own regulations you may want to amend your own regulations. DCL would have the ability to amend it. Mr. Gaudette said if the PRB wants to include this 88 decibel regulation in the State Bill with no use of the cut out devices, this would be fine, too. Mr. Browning said the issue is consistency and the boating regulations should be consistent and remain as part of the state wide regulations and the consistency is a crucial point.

Boating regulations should be applicable to the state waterways as for DCL and should be in the state regulations and said this was his opinion not necessarily what the DCL PRB want. There was discussion regarding the accuracy of the exhaust/muffler system in boats and wording within the regulations of the Senate Bill 70 and feels there is a definition issue within the regulation. Mr. Battistella wanted to comment that to be fair to the dealers selling the boats that the cut out systems are a \$5,000 option and the dealers are selling boats with all the bells and whistles on their boats. Mr. Browning said their concern was with current inventory and Mr. Battistella pointed out if someone bought a boat with that option, they will want to use it. Mr. Browning stated that it was discussed regulation change for DCL but now it is going to the State Boat Act Advisory Commission (BAAC) and wondered how this was going to be different. Mr. Gaudette noted that the State Boat Act Advisory Commission has already reviewed the regulation. Mr. Browning noted that if it is for State-wide regulations it is appropriate but if it is strictly for DCL isn't appropriate.

Mr. Gaudette said if there was going to be a regulation strictly for DCL it would go to the Secretary and the BAAC but he didn't want to ignore the DCL PRB and their wishes of how it is handled. If it stays in the state wide regs. it will go into the BAAC, hopefully with the endorsement of the DCL PRB. Mr. Browning indicated it had already been reviewed and already approved. Mr. Gaudette said it was approved but not proposed to the Maryland Registry and he didn't want something sprung on the PRB. Chairman Myerberg asked for a motion about the proposal.

Motion: Mr. Browning made the motion that the PRB support the proposed changes to the boating regulations but keep them as state wide regulations. Mr. Gaudette said he thinks that will be possible. Lou Battistella seconded the motion. Chairman Myerberg asked for further discussion or opposition. There was no further discussion and no opposition, so the motion passed unanimously.

Barbara Beeler asked if it would affect the timeline for implementation and Mr. Gaudette said it would have no affect. Mr. Browning asked if it could be kept in the state wide but by authority by a board such as DCL PRB and Mr. Gaudette suggested to cross that bridge when the time comes.

Wake Boarding: Wake boarding is a very fast growing sport in Maryland. The Secretary of DNR wanted an assessment of wake boats and the affect they have on the environment. They can now predict wave heights within one foot and found that within the first 50 feet of a wake being generated it dissipates by 50% and then decreases the first 100 feet beyond that and then doesn't change much beyond that. In their next meeting in April, the Boat Act Advisory Commission will be discussing limitations on wake boats and the retrofitting of boats to produce higher wakes. Boats that are not engineered as wake boats, but add weight, create potential safety hazards. The retrofit is less expensive than buying a wake boat and enforceable regulations need to be reviewed looking at options regarding the ballast in the boats and the weight distribution so that it doesn't hinder sight distances. Mr. Gaudette indicated that DCL will be seeing more of this form of boating recreation as it gains in popularity. These regulations could impact DCL and will be addressed based on facts discovered and will recommend that it will be included in the statewide regulations as well.

A discussion followed regarding the hydrofoils on boats. Mr. Browning indicated that the major issues are maintaining the proper lookout and the capacity of the vessel, with which Mr. Gaudette agreed. There was a discussion regarding a “peak wave” which one of the public present experience and was concerned about erosion and the safety of the people on their docks. Mr. Gaudette agreed that multiple boats are an issue and that the Bay area has similar complaints. There really isn't a good set of guidelines for wake boat regulations. It was noted that erosion is a big issue at DCL. Lou Battistella asked NRP if they ever give tickets for the amount of wake. Lt. Bartles stated that there exists a regulation that boat operators are responsible for their wake. Mr. Gaudette responded that ballasts overloading a vessel and making it unstable is the biggest complaint coming from boaters in the Bay. There are also complaints about multiple boats creating multiple wakes. Mr. Gaudette said they are trying to figure out how the boat owners can responsibly use the ballasts. Mr. Browning pointed out that wake boarding is now being accompanied by wake surfing. Mr. Gaudette said he will be getting back to the PRB on a decision and asked if it was something to be included state wide or separately. The Board asked to be informed about any formal proposals concerning this issue; the proposals would be considered for relevancy at that time. It was further noted by Mr. Gaudette that it is not the desire of the state to prohibit this sport.

Chairman Myerberg requested the meeting move onto shoreline erosion presented by Carolyn Mathews.

Shore Line Erosion -- Carolyn Mathews said she had recently met with members of the POA who make up a sub-committee looking into shoreline erosion concerns. There is a lot of education to be done about the many influences that bring about erosion. Most people understand that boating activities cause erosion as well as wind energy, but less information is known about how erosion comes from what we do behind a shoreline on the land – house placement, property use, removing the natural filters of plants and replacing with impervious surfaces. This was the reason for this discussion with the POA subcommittee. Lake Management is also reviewing the requirement presently in regulation to remove docks from the water for the winter months. Most other lakes in the northeast that we have polled do not require that docks be removed for the winter. Lake Management is looking at the shoreline and sees that our regulation to remove docks adds damage to the shoreline, crushes shrubs and tree seedlings. Ms. Mathews is looking at the idea of perhaps not having the docks removed and encourages the DCL PRB to consider this issue. One area of concern among many with this consideration is the cottage industry that depends on the dock removal each spring and fall for economic stability. We don't want to cause a hardship there.

Ms. Mathews said that we need to buffer how the water filters into the lake and what happens as the water from the lake meets the land. Bob Browning asked if a committee from the DCL PRB would be helpful to address the erosion situation. Ms. Mathews indicated she started with the POA thinking that they will be the largest group working hand in hand with this – and it was noted the Chamber of Commerce is there to help support the erosion issue. Mr. Browning asked if there was anything that the DCL PRB can do to assist. Ms. Mathews indicated that the PRB can help educate and to communicate with all the stakeholders represented on the PRB. Everyone here is part of this lake community and needs to practice good lake stewardship.

Chairman Myerberg asked Carolyn Mathews if the DCL PRB had taken up the issue of a blanket approval to use rip rap to prevent soil erosion. Ms. Mathews said she had taken up the idea of rip rap with MDE. MDE has recently had some staff changes, though and she will return to go over it with them again. Ms. Mathews said that there was a map of the lake developed indicating the levels of erosion around the lake. Doing anything at the shoreline requires an application and working with the adjacent property owner. Chairman Myerberg asked if it would still require a \$750 application fee and \$750 permit fee and Ms. Mathews confirmed saying that the MDE started charging for their applications and permits two or three years ago. Mr. Browning suggested trying to get two or three types of processes approved for the whole lake. Ms. Mathews replied that applications involving over 500 feet of shoreline go beyond MDE to the Army Corps of Engineers – beyond the permit authority for MDE. Mr. Battistella asked that the special permit applications that go out to the PRB for review should include pictures so it makes it easier to see the need for erosion control. Ms. Mathews said she did not realize that pictures were not accompanying the applications. Chairman Myerberg stated that the Turkey Neck Loop Association has an issue with the \$1500 application and permit fees to MDE. Ms. Mathews said she is considering and shopping around the idea of some form of cost sharing with the county, Lake Management and the adjacent property owners.

One of the public present added that there is funding available for the Chesapeake Bay and asked if it could be used for DCL too. Barbara Beeler indicated that the grants can only be made for the Chesapeake. It was also requested that the map showing the erosion could be placed on the website and show the distinct areas that have the most erosion issues and not the entire perimeter of the lake. Chairman Myerberg asked why MDE and not DNR is handling this and Ms. Mathews said that anything that has to do with "waters of the state" is under authority of the Maryland MDE. Barbara Beeler asked if the person with MDE could attend the meeting and Ms. Mathews said that individual has been here and is one of the state employees who has opted to take the early retirement package. Western Regional Park Manager Cindy Ecker suggested that perhaps it could be presented to the superintendent of the Maryland Park Service with the objective that the Secretaries of the two departments (MDE and DNR) meet and talk about the shoreline of DCL. Mr. Bastistella mentioned that everything we talk about ends up being an MDE issue and requested that a member of the MDE be at the DCL PRB meetings. Barbara Beeler suggested that Bridgett Kenney is the Director of Planning and would be the person who would be a knowledgeable addition to the DCL PRB. Cindy Ecker added that this idea has been discussed with the DNR Secretary and they agree whole heartedly.

Chairman Myerberg mentioned that the time was 8 pm and would like to provide the opportunity for everyone to say what they needed to say.

Carolyn Mathews said she would like NRP to be a standing report for the board. Lt. Bartle's is present and would like to talk to the Board.

Motion: Barbara Beeler moved to continue the meeting beyond the two hour time limit under regulations – that the meeting be extended so that everyone who wants to talk can talk. Chairman Myerberg asked for a second to the motion. Commissioner Bob Gatto seconded the motion. Bob Browning noted that it wasn't going to go for 5 hours. Chairman Myerberg asked for any further comments regarding the motion. Chairman Myerberg called for a vote, the motion passed unanimously.

Ed King, one of the public present, noted that after his meeting with Ms. Mathews regarding erosion he remembered he had some pictures of the State Park taken in 1997. He found the pictures and said that the rip rap on the shoreline does work pretty well and offered to loan Carolyn Mathews the pictures. Mr. King said the pictures have a wealth of information and suggested they be scanned. He indicated they were proof that rip rap does work even though it may not be the most beautiful.

Barbara Beeler had two questions regarding erosion. The state owns the buffer strip, therefore it can do what it wants to do because it is the state's land. She would like to see some erosion research on state land or endorsed by the state which would demonstrate what can be done about erosion. Ms. Mathews replied that one of the problems is the "grandfathered" atmosphere where what you have had for decades you are allowed to have. Ms. Beeler pointed out that what was being done is not working and the critical part of the education is the point that what has been done in the past isn't working and there is more to be done. Ms. Mathews agreed and stated that was the stewardship message that many more adjacent property owners need to understand and the complexities involved with being a more informed lake steward. Many people feel that being a good steward is keeping the grass mowed short. Ms. Beeler added that the State could do more since it is their land and asked if the state could expand its research in this realm.

Ms. Beeler continued with information about the docks program coordinated by the Friends of DCL. FODCL observed there was turbidity from the wind measured at docks and plans to identify the areas where the erosion is most significant and provide the solutions to the property owners. There was a discussion regarding where the prevailing winds cause the erosion.

One of the public present feels the DCL PRB is trying to do science without real science doing observation without putting in the variables that need to be looked at that dictate erosion. He shared a story regarding his property and a pipe on his property. He said the wind is away from the shore, it is no wake zone and is a very shallow zone. Nonetheless their property has experienced about a foot of shoreline loss a year. There needs to be a serious scientific study to determine what the causes of the erosion are looking at all of the aspects of the lake. The point being is to get rid of all of the thoughts and let a few people who know the science to make the recommendations of what are the causes of the erosion.

Chairman Myerberg asked if MDE has ever conducted such a study. Someone mentioned this would have been done by DNR and MDE. Chairman Myerberg shared that if they are getting the money then they should be the ones doing the study. Carolyn Mathews said the MDE charges fees for application review and permit approvals. Those fees are not connected to DNR shoreline management. There has not been a shoreline erosion study to determine what causes shoreline erosion on Deep Creek Lake. Chairman Myerberg asked if Ms. Mathews thinks the study is worthwhile and she replied that it is on her list of things that need to be done. There are some studies that can be run on the sediment borings that we have collected. This would take money and time, but there probably isn't enough there to do what would be considered an erosion study.

It was discussed that the issues of water level, sedimentation, and erosion all are a huge issues and all interplay with each other and need to be addressed and studied – all of which are very costly.

One of the public present recalled that the protocols for operation of the power plant back in 1993 were different than now and one of these protocols was to reach full pool - lake elevation. Penelec started filling the lake an extra foot of water in early spring to give them an extra foot of water to make power which increased company profit. That was negotiated and nobody really knew what that meant until later when the effects started showing. 1 foot of shoreline that had never been exposed in April/May as a result of the higher lake water elevation and saturation of soil caused a lot of shoreline to collapse as it dried out. At that time it was identified as an issue - that the next time the Power Plant goes through a re-licensing that a requirement be added that the Power Plant needs to take into account the effect of their actions. That was a 12 year permit that expired in 2005 and the players had all changed. It was one of those issues that fell off the plate. Basically when they went to get re-licensed they got the same licensing and it was fast-tracked and there was not a lot of discussion regarding this. One thing to consider is what are the effects to the shoreline of whatever protocol is adopted and are the tradeoffs acceptable for desired recreation levels near full or at full pool. The levels of the lake are the driving force of the shoreline erosion. We need to know what are the consequences of shoreline erosion and maybe that will bring the focus to DNR and MDE on additional policies. Does the MDE have the authority to come in and amend the permit? Chairman Myerberg added that if you look at the permit there is sufficient language for all of these items, and this may be the place to bring that up. Barbara Beeler also added that, perhaps, Brookfield may be interested in underwriting the science and the study of shoreline erosion. Bob Browning suggested that we don't have all of the facts. He said when the soil collapses on the shoreline it falls down a little bit and the whole shelf that is 20'-30' long is constantly being eroded all year round right at the edge of the water and the soil is redistributed and being pulled back into the lower positions and creating a higher space and causing a space for collapsing and it happens all year long and it occurs not just at the high water mark.

Chairman Myerberg said that he understands what is being discussed about science. He uses experts in his law practice for similar issues and is always trying to find experts for particular issues. The DCL PRB looks to the MDE to tell us what we need to do. If he would let the plaintiff's experts tell the defense attorney what to do, he wouldn't be in business very long. The PRB may need expert to answer our questions in an unbiased way. The DCL PRB needs to figure out how to get the right people in to examine and discover what needs to be done and to present that to the MDE. We need to present to them the scientific reasoning and what we think needs to be done. Bob Browning said that the studies have been ongoing, and Carolyn Mathews mentioned that it's a big group of stakeholders and scientists, and the group hasn't gotten to the point of contributing what action and forward movement can be done. However, the idea of the Water Quality Workgroup is for everyone to contribute ideas and gain education about the science behind these issues. We'll be better able to wisely spend the Lake Management fund.

Budget Reconciliation Bill: Chairman Myerberg asked Bob Browning to explain to the group what is happening in Annapolis with the Budget Reconciliation Bill. There is a section in the present bill about DCL that deals with the Lake Management Fund. This specific Bill is online. First and foremost the Governor wants to take the County's 25% of the Lake Management Budget and keep it. Carolyn Mathews disagreed and stated that if the bill would pass, that the governor would not get the 25% that presently goes to the county, but that 25% would stay right in the Lake Management Fund for use on lake issues.

Mr. Browning continued that the state made a contract with the county at the time when the state purchased the lake, that in lieu of the taxes from the power company - which was over a million dollars - the county would approve this contract with other conditions, and the county would get the 25% of the income from the use of the lake and property around the lake as in the past in lieu of the taxes. Mr. Browning feels this is a breach of contract. The amount is about \$225k a year confirmed by Ms. Mathews. Mr. Browning said that the Bill opens up what the funds could be used for, but Ms. Mathews said the money would only be used for lake.

Jim Stakem asked if Delegate Beitzel and Senator Edwards feel that the particular parts of this Bill that deal with DCL can be pulled. Mr. Browning noted that the budget committee of the General Assembly tried to make this change last year and they are trying to do it again this year. Mr. Browning indicated that the entire Bill is 75 pages long. Mr. Browning stated that pages 26-27 were the specific pages of concern and Mr. Stakem added that the whole Bill includes everything from Ocean City to Friendsville and added that every legislator has to go through the bill and look at the items that are pertinent to their particular area and then decide if they need to lobby to get those particular items in or out of the Bill. Mr. Browning noted that Delegate Beitzel and Senator Edwards are trying to do that and hope they are successful in doing so.

Chairman Myerberg asked what their objection to the Bill is and Mr. Browning said that, essentially, the State changed the contract made with the county when they purchased the lake. There was discussion regarding the removal of funds to the county and what page this language was on within the Bill. Barbara Beeler pointed out to those in the audience that the agreement was

when the State bought the lake that the dock permit fees which are collected and provide for the operations of DNR staff to provide the opportunity for doing the research on the lake water quality studies, that from the \$800,000 plus that's collected from the dock permit fees there is 225k that goes to the county's general fund but not into any specific related item and is not earmarked in any way. Chairman Myerberg asked what percentage of County funds does that amount equal compared to property taxes. It was agreed that it is a very small amount in comparison to the property taxes collected from around the lake. But it was pointed out that it was the principle that is of concern and the State may change its mind of how to use those funds. Carolyn Mathews said the money stays in the Management Fund and there was discussion regarding that the State will have the option, but discussion continued that included that the funds are to stay in the Lake Management budget. There was disagreement with regard to some specific wording in the Reconciliation Bill and Mr. Browning read a section of the Bill. "...eliminated for the maintenance management of the land and recreation facility services and related to Deep Creek Lake in Garrett County..." and pointed out it rephrases later on in the Bill which opens up a new area – including administrative costs.

Chairman Myerberg posed the question if the PRB has felt it has sufficient money to do what the DNR needs to do around the lake, the studies that are needed along with various other things that the DNR needs to do. Mr. Browning noted the budget always has had a surplus and Carolyn Mathews noted that there has always been a surplus in the fund. A chunk was spent a few years ago with the first round of the water quality studies. Chairman Myerberg pointed out that with all of the problems facing the PRB and the lack of some scientific input, it seems that the money will be needed and continued that it may set a precedent, but if the State is putting that money into the local need, what are the objections? Mr. Browning pointed out that there was a contract with the County and the concern is the broadening of how that money can be spent. Other similar concerns were voiced regarding the fact that the Bill's language is different than the contract provisions.

Cindy Ecker shared that she attended a workshop in December hosted by the POA and in her breakout group some made recommendations to take that 25% or have the County use it to add some "living shorelines." If that became an opportunity, it would be Cindy Ecker's and Carolyn Mathews' preference to do some cost sharing, but that money is not accessible now. Barbara Beeler pointed out she wasn't here when the State bought the lake ten years ago, but it is important to remember that at that point there was a lot of land bought by the state and all of that land was not going to be taxable and there was a justification of this payment in lieu of taxes. In the interim the "buy down" has taken place and a lot of the land is now being taxed because people bought the buy down which caused the property evaluation to go substantially up. So the situation has changed and that land is now taxable and it wasn't when the original purchase was made. Carolyn Mathews added that the Lake Management Fund hasn't changed because that is based on the permit privileges and the people paying fees to use the lake.

Chairman Myerberg added that the Board needs to look at where all the finances come in that support the things that this PRB has as its mandate. He said he is not very clear on that and, it appears, the board needs to understand it better, including the 25% to the County, etc.

One of the public present asked about the State Park sewage fee and Mr. Browning pointed that was in DCL Management Budget and that the DCL PRB hasn't reviewed the Lake Management Budget but there was a significant amount that goes to the County sewage treatment.

Chairman Myerberg asked when the budget was reviewed, and if there is a set meeting for reviewing the budget. Mr. Browning indicated it wasn't a set meeting, and that the DCL PRB has only reviewed the budget once. Jim Stakem asked the County Commissioner on the PRB, Mr. Gatto about this situation, and if they have a particular feeling about the \$225k included in the Bill. He asked if the commissioners have made it clear to Delegate Wendell Beitzel and Senator George Edwards how the County Commissioners feel and what their approach would be. Commissioner Bob Gatto indicated that they would like to see the money come to the County, but agreed with what Barbara Beeler had said it is not ear marked to spend on the lake. Carolyn Mathews added that if she had a vote, she wouldn't say to spend the money on the lake, but spend it on the tributaries in the watershed. It was noted the money does go into the County's General Fund.

Barbara Beeler suggested to Chairman Myerberg to ask the Board members to take a look at the legislative process because decisions are going to have to be made because they are only in session until April 12th. Ms. Beeler suggested a need for a sub committee group to sit down and inform the Board what is going on in Annapolis that impacts the County and give Bob Gatto the opportunity to take it back to the County Commissioners and ear mark it to be used toward the sediment study. Chairman Myerberg suggested that the DCL PRB should have a Legislative Committee or sub committee and obviously Wendell Beitzel and George Edwards should be included on that committee, but it was pointed out they can never attend DCL PRB meetings during the legislative session. Chairman Myerberg remarked that they did not have to be present to communicate with them. Bob Browning noted that the language within the Bill was a surprise: and Carolyn Mathews and Cindy Ecker pointed out that it came from the state level and not the local state agencies offices, regarding the management fund and how it could be spent. It was agreed that George Edwards and Wendell Beitzel were in agreement that this language needed to be reviewed.

Mr. Paul Durham, retired Deep Creek Lake manager, shared some thoughts with the Board Members and audience for the benefit of those who were not around when the State purchased the lake. His comments are as follows: There were commitments made to the County at that time and that this is what is driving the anxiety towards this recent Legislation. When the Pennsylvania Electric company announced they were going to divest themselves from the local power plant generation assets, there was a consortium negotiating with them to purchase the lake, and the lake would remain in private hands. Participation in that consortium included members of the power company, an operator, the County and POA. Negotiations were going on and as they started to mature, the State took an interest in acquiring the lake. There is a law that the DNR cannot acquire property in Garrett County without the consent of the County Commissioners; and when the State started to court the County with purchasing Deep Creek Lake, the County had a "shopping list" of things they required in order to grant their consent to the State acquiring the lake. One of those things was the "buy down" – they wanted to see a significant part of the buffer strip put into private hands. The State agreed to that. Another was the creation of this board. There were negotiations that the County wanted to have a certain say in how the lake was going to be managed. As for the DCL PRB, they wanted to advise and consent when it comes to lake fees and regulation changes. There were five portions of the buffer strip which were considered developable, in other words they would be sold fee simple without conservation easement and if the adjoining property owners were interested they would just convey without an easement. One of the conditions that the County insisted upon was that 25% of the lake fees would be returned to the

County in lieu of the property taxes the County would be losing without the value of buffer strip. The Secretary of Natural Resources, the Governor, and the Secretary of General Services said they agreed to those things and simultaneously to the States' purchase of the DCL, there would be legislation to make those things happen in 2000. The settlement occurred around April and the legislation occurred simultaneously. The players on the State side that negotiated this agreement aren't there any more and the new people may not even have knowledge that the agreement occurred and that is what is causing some of the anxiety about the agreement that was made between the County and the State at the time of purchase and here is one of those items that is now being thrown out.

Chairman Myerberg questioned whether what Barbara Beeler pointed out was correct, but added he doesn't have the actual facts on this, that the buy down yields a considerable increase in property tax. Durham responded that the County told us that they were losing \$1.2 million and the State told the consortium that the County will recoup some of that in property taxes but the 25% of total lake fees was also needed.

Bob Browning pointed out that you have to remember when the State bought the lake; they also purchased the land under the lake which is about 6000 acres. Carolyn Mathews corrected that the total acreage of lakesurface and buffer strip being 4900 acres - the buffer strip land accounts for about a 1000 acres. Durham continued that the assessed value of the buy down was \$8 to \$10 million after it was purchased because it was burdened by the conservation easement. That is the history for the folks that were not here and the County considers the 25% of the income to the Lake Management Fund their money in lieu of the property taxes lost in order to consent to the State buying DCL.

Mr. Durham said there was a lot of talk on the streets about this subject and he was asked to come tonight and address the DCL PRB and explain that this was all part of the negotiations for the purchasing of the lake that occurred during his time as Lake Manager. It was discussed that John Griffin was actually engaged in the preliminary discussions; but he moved to another agency, and then someone else came in but the final negotiations were done by Gene Lynch of the Department of General Services who has since passed. Also, Governor Glendening who is no longer in office and Secretary John Griffin may not even know what the final agreement included.

Chairman Myerberg added that it sounds like the Senator and the Delegate are against the change in the Reconciliation Bill and they will be working to change the legislation on behalf of the County and asked if there was anything else the DCL PRB needs to do in regard to this. It was pointed out that they were acting independently and not on behalf of the Board. Chairman Myerberg agreed and said that was why he posed the question to the Board and asked for the Board's opinions.

Barbara Beeler said she feels that the Board should turn to the County Commissioners to see if it would be possible that they devote the money received from Lake Management to working on their part of the watershed. She wants to see it reinvested back into the lake, because at this point the County does not really put any money into the watershed per se. It was noted that is really a separate issue and the issue before the Board is do you let the Legislature go through or don't you. Ms. Beeler pointed out this was a contingency plan and it was agreed that it was a contingency plan with the County and has nothing to do with the State.

Chairman Myerberg shared his thoughts that a very large percentage of people who own property around the lake are not citizens of the County yet they pay very high property taxes that go into the County and he asked what specifically does the County do about erosion, water quality. A few things were mentioned this evening that the County should be helping out with. The amount of money we are talking about that could go to the DNR with this Bill compared to the property taxes and it would give DNR a step up to do the studies that we're talking about. He continued that it's not that much money to the County but it's a lot of money to the DNR and did not understand why Delegate Beitzel and Senator Edwards don't want the money to stay where it is generated. Is it the fact it was part of the initial deal? Bob Browning added that it was the principal factor and that his main reason for presenting this to the Board is to make everyone aware, but he did not know if the Board needed to take a position on this. He felt the Board should be aware of what was going on. Chairman Myerberg thanked Mr. Browning for bringing this issue to the Board's attention.

One of the public present asked whether the Board should consider the fact that, historically, the agreement was made and, in fact, one of the agreements was the formation of this Board along with the component pieces that Bob Browning was talking about. If you start to erode the agreement at that level then are you setting the precedent of eroding the agreement further down the road? Ms. Beeler added the agreement is DCL Recreation and Land Use plan that is a ten year plan that lapses in April or May of this year, the Plan that sets up the DCL PRB and the mandates of DNR and the management, etc. lapses. Ms. Beeler was respectfully corrected that it was codified by law – the 25% and the existence of the DCL PRB was codified into law by the legislature. The law exists until legislature changes and the Bill is to change the law. It was also suggested that what the money is used for is something the Board can discuss with the County Commissioners.

Chairman Myerberg asked for any other comments regarding the Budget Reconciliation Bill. Commissioner Gatto pointed out that a lot of the money was spent doing things around the lake and perhaps more money should have been spent on items brought up tonight. He continued that as a newly elected member of the Board of County Commissioners and part of the reason they were elected was to make those necessary choices. He pointed out that a lot of great things are going on and there are choices to be made. Speaking from the heart with the new Board of Commissioners, there are some tough choices to be made and he appreciates all that he has heard during the DCL PRB meeting tonight.

NRP Report – Lt. Greg Bartles for Area 8 including Garrett and Allegany Counties was introduced to the board. He did work here as an NRP officer on the lake in 1985 and three weeks in 1986. He addressed the board asking for their consideration of a thought to limit where people can swim in the lake. This consideration is as a result of a later summer 2010 accident that occurred where a swimmer was injured while swimming in the lake and was run over by a motor boat. Lt Bartles said he couldn't confirm this was the reason and therefore couldn't defend or justify the request, but was asked to present the idea to the DCL PRB for consideration. Chairman Myerberg asked if this situation had ever been dealt with in the past or before. Bob Browning said he was on that call and confirmed that it did involve a swimmer and he does not feel that there are a whole lot of things with regulation to protect that and indicated that NRP had suggested 100 feet from shore and anything beyond that point some sort of visibility or escort. But he also shared he gets nervous about over regulation. An audience member was asked what they have to propose and the reply was if the Board had anything to suggest as a regulation. Chairman Myerberg stated that anybody that

goes out in the lake without any type of indicator or alone does not realize the safety issues and asked how would you regulate that? Discussion followed that this is an infrequent occurrence. It was mentioned it is hard to regulate common sense. A comment was made if there is a regulation to regulate the helicopter. Lt. Bartles said that currently there was no regulation to prevent someone from swimming across the lake and that was why his Colonel wanted him to bring it up for consideration. An audience member said that if this is not happening on a regular basis then it is hard to regulate common sense and there is not a need to regulate as a result of one unfortunate incident. It was discussed that if a swimmer goes out into the middle of the lake to swim is like a hunter going out to hunt without orange on during hunting season. Accidents are going to happen. Chairman Myerberg thanked Lt. Bartles for coming to the meeting.

Correspondence Received:

None this quarter.

Comments from the Audience:

Mr. Lindsley Williams declined to address the Board at this time due to discussions already taken place.

There was no further discussion.

The next meeting will be held on April 25th beginning at 6 pm in the Discovery Center. The agenda was not set.

Motion: Bob Browning made a motion to adjourn the meeting. Barbara Beeler seconded the motion. There was no opposition, and the motion passed to adjourn this meeting.

The meeting was adjourned at 9:02 pm

Respectfully submitted,
Recording Secretary, Jan Beem

Attachments:

1. Report from DPU on improvements being made to the sewage system
2. McClanahan letter – low water level 9-26-10
3. Fisheries Service comments/response during the MDE Water Appropriation Permit review
4. Draft of proposed change to State-wide Boating Regulations

Garrett County Department of Public Utilities
Status Report
Deep Creek Lake Wastewater Treatment System
Odor Control:

The Garrett County Department of Public Utilities (DPU) has contracted with In-Pipe Technologies (IPT) to provide services within the Deep Creek Lake Sanitary Sewer Collection and Treatment System. IPT services include the installation and monthly maintenance of 15 dosing stations within the sewer collection system. The main goal of the contract is to control unwanted odors existing throughout the sewer collection system, with a secondary goal of improving the Deep Creek Lake Wastewater Treatment Plant (DCLWWTP) operations by establishing a beneficial biofilm within the collection system. The dosing equipment at each location consists of a watertight G2 Panel with a battery operated dose pump and a 1 liter bottle of IPT solution. The liter bottle of IPT solution lasts for a month and is routinely replenished as part of the contract. IPT provides a proprietary mix of soil bacteria, in spore form, to be continually dosed into the sewer collection system. These bacteria have been selected by IPT because they will, when continually dosed, out compete and replace the bacteria that naturally occur in the wastewater and in the biofilm layer within the sewer collection system. When the IPT bacteria are introduced, they will form a new biofilm layer on the inside of the pipes. This is important, as the bacteria native to the wastewater and biofilm layer seek certain compounds in the wastewater as a food source. That process yields the majority of offensive odors experienced in sewer collection systems. The IPT bacteria seek different compounds in the wastewater for a food source, which do not produce offensive odors. The IPT bacteria are also adept at breaking down Fats, Oils and Greases (FOGs), which pose near constant problems in the pumping stations. DPU and IPT installed dosing panels and began dosing the collection system on October 27, 2010. Since then, IPT and DPU have conducted two monthly "reloads" on November 27, 2010 and December 27, 2010. DPU and IPT are also investigating the option of a one-time dose of IPT bacteria in individual grinder pumps to promote as much biofilm conversion as possible. IPT indicates a typical conversion period (from naturally occurring bacteria to IPT bacteria) of 60-90 days, at which time significant improvements should be realized. January 27, 2011 will be 90 days of treatment, and DPU maintenance staff has begun to document a decrease in FOG and odor in the majority of the pump stations. DPU conducted a sampling event on January 24, 2011 aimed to quantify the presence of the IPT bacteria in several locations throughout the collection system and in the DCLWWTP. It is DPU and IPT's goal to realize zero odor complaints from the residents and visitors to the Deep Creek Lake area.

Back-up Pumping System:

Following the sewage spills associated with the Deep Creek Lake Sewer System during the summer of 2010, DPU began searching for a viable, independent back-up to the main pump stations on the system in order to maintain flow if an electrical outage or malfunction of the electrical components or emergency generator occurs. Godwin Dri-Prime Critically Silenced Diesel Pumps were selected and DPU took delivery of three pumps in August, 2010. The pumps were installed at the three largest pump stations on the system. Following installation and connection of the pumps, DPU began experiencing operational issues with the units. DPU contacted the Godwin representatives and reviewed the issues being experienced with their engineering division. Alterations to the suction piping were recommended and implemented which yielded moderate improvements. One pump also experienced a loss of fuel prime, and freezing of sewage in the volute bowl also occurred. Therefore, DPU concluded that the Godwin pumps could not perform as expected and specified. The pumps are being returned to Godwin for a full refund. DPU has investigated alternative pump manufacturers and has met with another company in order to secure replacement units. New pumps will be secured on a rental basis in order to verify that they meet the system requirements and perform as expected prior to purchase. DPU is also evaluating the possibility of installing overflow tanks at the pump stations in order to provide additional storage during emergency situations.

Pump Station Control Panel Upgrades:

DPU is pursuing upgrading the existing pump station control panels with new advanced control units. One of DPU's electricians recently attended a training seminar sponsored by an F. E. Myers (manufacturer of the current pumps and control panels) representative that presented state-of-the-art methods for increasing pump station efficiency and advanced technology in emergency notification systems. A company representative is scheduled to be on site January 25th in order to evaluate the present system and provide a recommendation for upgrading to new technology including pre-engineered customizable control panels, ultrasonic level sensors and SCADA alarm system. DPU will be requesting a pilot test of the proposed control system in order to determine efficiency and reliability. 1/25/2011

Attachment 2. 5 pages

September 2010

Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Monday, September 27, 2010, 6:00pm
Deep Creek Lake State Park – Discovery Center

In Attendance: John Forman, Chairman; Barry Weinberg, Jamie Coyle, Steve Green, Ernie Gregg, Delegate Wendell Beitzel, Bob Browning, John Stakem, Senator George Edwards and Troy Ellington substituting for Lou Battistella

DNR Representatives: MD Park Service, Carolyn Mathews – Manager Deep Creek Lake Recreation Area, Mark Spurrier – Assistant Manager Deep Creek Lake Recreation Area; Major Cindy Ecker – Western Regional Manager; NRP – Captain Paul Hanyok, Sgt. Dave Marple, Sgt. Harry Cage
Absent: Lou Battistella, GC Commissioner Ernie Gregg

81 members of the public in attendance

Guest Speaker: John Grace, MDE Water Supply Program

Meeting was called to order at 6:06 PM by John Forman. The July 12, 2010, minutes distributed to members of the board prior to the meeting were approved with corrections.

Correspondence sent:

MDE – July 30, 2010 subject: fish kill

Garrett County Commissioners – July 30, 2010 subject: sewage spill

MDE – August 1, 2010 subject: water level concerns and the water appropriation permit

Old Business:

Lake water level

John Forman thanked the subcommittee for forming and promptly contacting Mr. Grace. He called upon Barry Weinberg to give the subcommittee report.

<="" point="" this="" to="" proceeded="" subcommittee="" board="" review="" and="" policy="" the="" how="" of="" quick="" a="" gave="" weinberg="">

- July 29 a letter drafted to John Grace and sent on August 1. (Copy of letter attached to minutes.)
- September 8, John Smith and John Grace, both from the MDE Water Supply Program met with the sub-committee where they received a packet prepared by the subcommittee titled "Increased Water Releases Hurt Deep Creek Lake" <http://www.dnr.state.md.us/publiclands/pdfs/prbsubcommittee2010.pdf> (this is 9.90 MB file, it takes a few moments to load from the website) The subcommittee packet covers the following topics: Low lake levels have significantly reduced fishing; Low lake levels have dramatically reduced the boating season; Low lake levels threaten home owner's equity and vacationers' visits; Lake's loss gives rafters excessive water.

Approximately 1600 people impacted by the low water level of the lake signed a petition (copy included in the packet) in late summer of 2009 demanding action to relieve the situation.

- Smith and Grace also had prepared information for the meeting including graphs of the water levels over a number of years.
- Discussion was good, information sharing was helpful and the dialogue will continue as MDE continues its review of the water appropriation permit and considers alternatives and runs models.

Weinberg then introduced Mr. John Grace for his presentation to the Board.

John Grace began by stating the review of the water appropriation permit issued to Brookfield Renewable Power is just beginning. The rule band introduced years ago was an effort to improve lake levels but has presented unintended consequences. MDE will study "what if scenarios" as they seek to understand what has happened and answer the multitude of questions such as: should the upper rule band be where it is; is Brookfield taking advantage of releases; were the permit changes responsible for what happened this year; can we (a) put another one quarter foot of water in lake and (b) would that action put a risk on the spillway? Before any changes are made to the permit, stakeholders will have opportunity for comment. Grace expects to take about two months to review additional information before reconvening with the subcommittee. He expects that meeting will be early next year. (John Grace's powerpoint presentation is posted on the Deep Creek Lake NRMA website under the link titled Water Appropriation on the right side of the page. <http://www.dnr.state.md.us/publiclands/deepcreekwater.asp>)

John Forman called for questions from the board members. A request was made that MDE also study the 2009 water level situation. Also, this board requested to be considered the primary source of information as new policies are considered due to the mix of members on this board. Comments referenced a USGS well study from four years ago that could possibly add to this MDE

review. Troy Ellington wants to see economic impact included in the future decisions. Delegate Beitzel asked if the power company controls permits for releases and can that responsibility be taken from them?

Questions and comments from the public were then taken:

Jim Jennings: should we look closer at reported values?

Barbara Beeler: take a serious look at (1) COMAR, Section 8 which states the lake management requires protection and recreation as the highest use and (2) the shoreline erosion is actually creating the sedimentation of the lake.

Bob Hoffman: owners on or around the lake are asking for tax reassessment because they are unable to access the lake and can a permit be structured to take lake level into account. Need improvement in dispersing information about what is going on at the lake so MDE can make a change.

Gerald Rader: can there be a permit structured to take lake level into account? There was grave concern that changes will occur without input from constituents. Grace explained when changes to a permit are recommended, there is a time for public response. Once a permit is issued there are thirty (30) days to challenge in an administrative appeals court - the judge reviews and makes a determination if the permit was issued lawfully.

Water Quality Work Group report: Carolyn Mathews reported on the 2010 water quality studies including monthly samples for chemical analysis and a survey of the submerged aquatic plant species found in the lake. Reports are being posted on the web site as they are completed. Additionally, a report about the lake that is funded by Friends of Deep Creek Lake is being produced by Eco-check. There will be more information to come from that organization as they complete that assessment and create a report.

Mathews continued with comments regarding the sediment plan that has been added to this year's studies. The objectives of the sediment work (Phase I) are to identify sources of accumulated sediment, understand the environmental relationships between land use and sediments in the lake bottom, analyze the alternatives and reduce the sediment coming into the lake. Several of the 10 coves selected for the study were selected because there is a lack of documentation of conditions in those coves; some were selected for the adjoining land use and others for influences of the topography. Phase II would have a much higher cost and funding sources must be identified.

New Business:

- Captain Hanyok discussed boating statistics for the summer. From June to date (Sept. 27) officers made thousands of contacts with recreational boaters. There were 37 reportable boat accidents and no fatalities this year. The bulk of the accidents involved water skiing. He concluded his remarks by stating it has been a good year but a sobering number of accidents.
- A two day visit over Labor Day by a commercial helicopter buzzing over the lake caused a stir with residents and boaters. The helicopter was here to take photographs of boaters on the lake – for profit. Mathews reported on her conversation with the pilot, communication with the other state offices and citizens. The FAA was contacted by members of the public and they contacted the Lake Management office for additional information. Mathews learned in follow-up calls with FAA officials that the pilot was written up for his apparent lack of adherence to safety regulations. She doesn't expect a return visit by the company and that determination seemed to be shared by the audience.
- There will be new buffer strip use permit numbers by next season. Over this winter buffer strip use permit holders will receive correspondence from Lake Management with information about the revised Deep Creek Lake regulations, number of boats at docks and the new permit numbering systems. Only the common permit sites will need to apply for permission to place PWC's at docks. The new numbering system will affect everyone's permit number for the purpose of improving response time for emergencies on the lake. By spring 2011 new plates/licenses will be ready to distribute to permit holders.
- Bob Nichols spoke for the Snowdrifters - the local snowmobiling club. They would like to communicate with DNR and Lake Management perhaps through a regular meeting with the intention to encourage and foster communication and cooperation between the organization, management and enforcement officials. The information could then be posted on web sites.

Audience comments:

Bob Browning: What is done about mooring buoys too far out and of the wrong color? Lake Management, responded Mathews, sends a letter and makes personal contact to remind the permit holder that only a regulation mooring buoy may be used and will verify if the buoy is represented on the buffer strip use permit (\$70.00 fee annually).

Jeff Schmidt: Ten coves are in the sediment study. Will only those coves be improved if a dredging plan is adopted? Mathews replied no criterion is established on which coves will be included in Phase II; must do Phase I first.

Lindsley Williams distributed a copy of a letter from him to each of the Board members. He stressed the following are concerns of his that he urges the Board to consider: 1) understand and address the adverse consequences of water at or just below the "upper rule band" in terms of erosion of portions of the lake shore that are steeply sloped or subsiding. 2) establish a means for quick reduction in lake water level and some flood control capacity 3) add additional preventative and abatement measures for components of the sewage system 4) promote tranquility in regards to Senate Bill 80 – he would like it revived and passed.

Steve Wilson: If there is no relationship between the Phase I and Phase II studies, where lays the responsibility for dredging? Mathews answered the State has moved into studying sediment and is looking at the whole problem, not just localized need.

The coves that may be considered for restoration will be determined after Phase I is complete. The bulk of funding for Phase I is being allocated from Boating Services funds and a smaller portion from DCL Lake Management. Major Ecker reiterated this is not just about dredging but the need to identify the sediment's origin. Senator Edwards stated that since the State owns the lake and the land under the lake, it is the State's responsibility to hire the engineers, draw up the plan, set it in motion with clarification of stages, and complete the dredging if this is the determined remedy.

Conrad Stephanities: Reflecting on the incident with the helicopter, commented dive bombing is not permitted and a helicopter

has a 500' space limit. At least the pilot should have a nuisance charge.

Inquiry was made about a plane that landed and took off from in front of the state park four times earlier this year. Mathews advised that with adequate time to prepare written permission and to notify other agencies, airplanes may be given permission to land and take off from the lake. The one in question had requested and received written permission from Mathews in a timely manner.

There was no further discussion.

The next meeting will be Monday, January 31, 2011, at 6:00 PM at the Discovery Center.

The meeting adjourned at 8:05 PM.

Respectfully submitted,

Debby Clark
Recording Secretary

July 2010

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Monday, July 12, 2010 at 6:00 pm

Deep Creek Lake State Park – Discovery Center

In Attendance: John Forman, Chairman; Barry Weinberg, Lou Battistella, Jamie Coyle, Steve Green, Garrett County Commissioner Ernie Gregg, Delegate Wendell Beitzel, Bob Browning, John Stakem and Senator George Edwards

DNR Representatives: MD Park Service, Carolyn Mathews – Manager Deep Creek Lake Recreation Area; Major Cindy Ecker – Western Regional Manager; NRP – Lt. Brad Stafford, Sgt. Dave Marple, Sgt. Harry Cage

20 members of the public in attendance

Guest Speakers: Randy Garletts, Compliance Officer, Brookfield Renewable Power

John Forman called the meeting to order at 6:02 pm. The minutes of the May 3, 2010 meeting distributed to members of the board prior to the meeting were approved.

Old Business:

The proposed revisions to the DCL regulations have been approved by the Superintendent of the Maryland Park Service and Deputy Secretary of DNR and forwarded for final action to the Division of State Documents. This approval to move forward followed a June meeting and discussion on the subject between a committee of the Board (Forman, Browning and Weinberg) and Superintendent Nita Settina, Deputy Secretary Joe Gill, Regional Manager Cindy Ecker and Park Manager Carolyn Mathews. The revisions will become effective in the fall and will be applied to permit holders beginning in the 2011 permit season. There will be increased public education efforts about all of the DCL regulations and enforcement of such.

From the meeting with the Superintendent there was a non-substantive change submitted for the proposed regulations. That change is to remove the \$100 permit fee associated with adding a personal watercraft to the dock.

Regional Manager Ecker explained to the Board members that there will be a new permit number system which is expected to help with permit enforcement and response time to emergencies that occur on the lake. She also reported that the Park Service is considering contracting for another boating carrying capacity study to update the one conducted in 2004. The present vacancy of the park service supervisor position in the Lake Management office will be advertised and filled this fall with a park planner. Mathews has been struggling to cover the duties of both positions since the departure in January of Julie Allbrooks. That position is solely a lake management position.

The Chairman called for an oral vote to accept the changes to the proposed regulations and the vote was unanimous.

Discussion followed with questions coming from the public and the board on the fees, enforcement, and success of the service charge honor system at the boat ramp; boating traffic, and the problem of "rafting" boaters in the coves. Mathews said enforcement of the service charge honor system occurs by park rangers placing a "compliance requested" flyer on windshields in the parking lots. Boaters comply with the honor box system far more often than visitors to the day use beach area. Boaters also are more prone to purchase the annual pass that allows them entrance to state parks and ramps across the state. She referenced the 2004 boating carrying capacity study and the number the consultants suggested (450 boats on the water away from docks), and stated in recent years there has been a documented increase in the number of boats on the lake in both the static and aerial counts. The summer 2010 boat count results will be provided to the Board members prior to the next meeting. She added that the rafting activity is popular at other lakes in the region and staff regularly observes "rafting" on Deep Creek at the dam. This past July 4th holiday weekend, this activity was observed in the Cherry Creek cove and generated some comments from several boaters who regularly water ski in that cove. No new carrying capacity study is planned but will be considered for the future.

The Compliance Officer of Brookfield Renewable Power, Randy Garletts, shared a power point presentation reviewing mandatory permit conditions for water releases from the lake. The presentation touched on the various types of water releases including releases for hydroelectric power generation, whitewater releases (WWR) for the benefit of the commercial whitewater industry in the Youghiogheny River and temperature enhancement releases (TER) which lowers the temperature of the water in the river so the trout hatchery can survive the increased water temperatures of the summer months. Statements from members of the Board and the public reflected concerns for determining upper and lower rule bands, temperature readings used for the temperature enhancement protocol collected from Elkins, WV (too distant), current drought conditions, possibly combining the WWR and the TER's and using old studies to determine present-day conditions. According to Garletts the public comments received in 2006 as

part of the water appropriation permit renewal for Brookfield Power were considered and compromises made for the completion of the MD Department of the Environment (MDE) permit presently in effect. He recommended that any further comments and concerns about the water appropriation permit should be made to MDE.

Bob Browning made a motion to form a committee to meet with the permit officer of MDE. The unanimous oral vote to form the committee brought together the following members to serve in this capacity: Lou Battistella, Chairman; Bob Browning, Barry Weinberg, Jamie Coyle and Steve Green. From observations and reported limitations in recreational use of the lake in the latter part of summer and fall 2009 and 2010, there is consensus that the alterations MDE made to the water appropriation permit in 2007 have had a detrimental effect on the recreational use of the lake. There is a condition written into the permit that allows for review. A meeting to draft a letter to MDE expressing concern about what appears to be a significant change to the Brookfield Renewable Power water appropriation permit and to request that the permit be reviewed was set for Thursday, July 29, 2010 at 1:30 pm at the Discovery Center. Delegate Beitzel and Senator Edwards agreed to lend their names to an invitation to MDE when the letter is prepared for conveyance.

Mathews spoke on the ongoing 2010 water quality study. DNR Resource Assessment staff have been sampling on schedule. In addition, with the help of two summer employees, the stream samplers on Cherry Creek and Poland Run will be activated. Lake Management is also working towards increasing environmental communications regarding water quality concerns and healthy lakes. Water quality programs and activities continue at the Discovery Center. The Friends of Deep Creek Lake offer opportunities to learn about turbidity and community organizer Barbara Beelar said there are 19 volunteers ready to learn how to conduct near shore water quality sampling with Secchi disks. Aerial photographs will be taken this summer of the grass beds in the lake to map and measure them. The submerged aquatic vegetation (SAV) experts from DNR will be swimming and diving in the lake to identify the various species of SAV in the lake. This is important data necessary for the development of quality management plans.

Asked about the lighting on the bridges, Mathews stated that the lights meet and exceed US Coast Guard standards which are used everywhere. It is a boater's responsibility to understand water navigation language. There are no plans to change the lighting at the bridges.

New Business:

Mathews distributed new DNR business card with addresses/information websites that deal with a multitude of water related issues pertinent to Deep Creek Lake.

The July 3rd (a sunny, warm day perfect for boating) aerial boat count was 531 boats – well over the 450 boats recommended in the 2004 Carrying Capacity Study.

Correspondence Received:

An email of water level graphs from Jeff Long – distributed via email to the Board members.

Comments from the Audience:

Regarding the shoreline erosion, the following comments/suggestions were made:

- that the \$750 application fee and additional \$750 permit fee to MDE should be eliminated and an incentive program begun for buffer strip use permit holders to build shoreline buffers. (Manager's note: this already exists – both fees are waived by MDE if an application is submitted for a vegetated shoreline to stabilize an eroding shoreline.)
- the lake level needs to be consistent through the summer months for constructed vegetated shorelines to be successful and become established
- wakeboard boating activity causes erosion of the shoreline
- categorize the shoreline from aerial views to offer several options for building buffers according to the type of shoreline
- erosion near the US 219 bridge is extensive and expanding

Barbara Beelar, Friends of Deep Creek Lake, distributed flyers and extended an invitation to all to attend the "State of the Watershed" forum scheduled for Saturday, August 7th at the Garrett Cinema.

Barbara Beelar circulated to the board members and through the audience aquatic weed specimens and she voiced concern about the extent of the weed population in the lake – other audience members concurred.

An observation was made that this year's fireworks display from the Wisp was spectacular but the departure of boats from McHenry cove was hectic and dangerous. They suggested that a police (NRP) boat presence in the vicinity would help with egress and slow things down to a safer situation.

There was no further discussion.

The next meeting date will be Monday, September 27th beginning at 6 pm in the Discovery Center.

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Debby Clark, Recording Secretary

May 2010

Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Monday, May 3, 2010 6:00 pm
Deep Creek Lake State Park - Discovery Center

In Attendance: Barry Weinberg, Substitute Chairman, Lou Battistella, Jamie Coyle, Steve Green, Ernie Gregg, Delegate Wendell Beitzel, Bob Browning, John Stakem and Jay Kaminek representing Senator George Edwards

Absent: John Forman

DNR Representatives: MD Park Service, Carolyn Mathews – Manager Deep Creek Lake Recreation Area; Major Cindy Ecker - Western Regional Manager; Mark Spurrier - Assistant Manager DCL Recreation Area ; NRP - Sgt. Dave Marple

14 members of the public in attendance

Guest Speakers: DNR – Bob Lunsford, Boating Services

Meeting was called to order at 6:03 PM by Barry Weinberg substituting for the absent chair John Forman. Minutes of the January 25, 2010 meeting were reviewed and grammar changes were requested beginning on page 4 and continuing to page 5 – with those changes noted, the minutes were approved.

Old Business

Bob Lunsford provided an update on the “boat noise” bill that moved through the General Assembly this winter. A special order stopped the passage of the bill on the last day of session. The bill, with several amendments, did pass both houses of government overwhelmingly. Barry Weinberg asked if there were any plans for the bill for next session and Lunsford replied that the Department is assessing the meaning of the failure of the bill. The DCL Policy and Review Board voiced its continued support of a bill which would lower the level of sound emitted by boats. Lunsford will carry that message back to the Department.

Lunsford then provided some information about a new law to be in place this summer that requires children under the age of 13 who are boating in a vessel 21 feet or less, must properly wear an approved life jacket at all times while the vessel is underway. (Effective April 1, 2010, Maryland law states that all children under the age of 13 must WEAR a United States Coast Guard approved Personal Flotation Device (life jacket - Type I, II, III or V) while underway on a recreational vessel under 21 feet in length on Maryland waters.) Enactment of this law brings Maryland more in line with the boating safety laws of other surrounding states.

Proposed regulation changes - DCL Manager Carolyn Mathews stated that the proposed regulation changes are still being reviewed by the Superintendent of the Maryland Park Service. The proposals have not been moved forward for the final steps of adoption. New regional manager Major Cindy Ecker, addressed the Board asking for their patience as the Superintendent gives due consideration to a number of comments received about the proposed regulation changes during the public comment period - October and November 2009. The Board is concerned about the delay – another summer season is underway with no changes being made to relieve the situation. The PWC sub-committee members of the Board will consider asking for a meeting with Superintendent Settina so the concerns of all can be shared and aired.

Water quality testing for this data collection season is under way. The Deep Creek Lake Water Quality Work Group met at the end of April and reviewed the draft of the final report from DNR Resource Assessment Service (RAS) that provided the results of the 2009 data collection. The approved final report was distributed to members of the DCL PRB and is available to anyone on the DCL NRMA website <http://www.dnr.state.md.us/publiclands/dcwaterstudy.asp> The long, long awaited USGS report from data collected in 2007 and 2008 was also just recently released. That report will be copied and mailed shortly to the PRB members and is also available online at <http://md.water.usgs.gov/deepcreek/> Mathews distributed the 2010 scope of work to the board members – it includes \$77,000 for DNR Resource Assessment Service to collect and analyze a number of water samples monthly; conduct an intensive profile survey of two elongated tributary coves to assess watershed influence on tributary conditions; a study of the submerged aquatic vegetation in the lake which will involve making a collection, identifying the species and creating a reference guide; define the distribution and abundance of submerged vegetation as well as the seasonal growth and biomass of the aquatic vegetation. Aerial photography will document the vegetation beds. In addition, two stream flow gauges will continue to be monitored and maintained by USGS. That information is available in real time at the USGS website.

<http://waterdata.usgs.gov/nwis/uv?03075800> (Poland Run) and <http://waterdata.usgs.gov/nwis/uv?03075905> (Cherry Creek) This annual monitoring costs \$28,000 for the two sites. Over \$105,000 is being spent from the Lake Management budget for water quality monitoring this year. There was brief discussion about sediment sampling and whether anyone in DNR had been tasked to initiate a plan that would look at the feasibility of dredging areas of the lake, but Mathews advised the Board that while she was aware that the subject has been mentioned, she was not aware of any action taken in the direction of developing a plan.

The new website for Deep Creek Lake NRMA-the lake is <http://www.dnr.state.md.us/publiclands/western/deepcreeknrma.asp> It is in development stage but research reports, information and education about lakes and water quality as well as lake community stewardship messages are being posted there.

New Business

A collaboration with Brookfield Renewable Power has been developed since representatives made a presentation at the January meeting. Due to extreme weather conditions late this winter (accumulation of 22 feet of snow and thick ice) that caused a great deal of concern for the safety of the dam, there were weekly conference calls about the level of the water in the lake and the depth of snow in the surrounding watershed. The DCL Manager Carolyn Mathews, was involved throughout the situation as the “eyes on the surface”. Barry Weinberg talked about a “listening” relationship he has developed in the past few months as a member of the Policy and Review Board with the Brookfield Renewable Power staff at the Deep Creek hydroelectric plant. The respectful relationship will help to keep dialog open for any mutually involved topics of consideration.

One of the topics of concern voiced at recent PRB meetings is from property owners in the shallow coves. As the lake level drops in late summer and fall they lose their water depth and have a greatly reduced boating season. Brookfield Renewable Power operates the hydroelectric plant under a water withdrawal permit from Maryland Department of the Environment and is required to release water on a number of days in September for whitewater rafting interests in the Youghiogheny River.

Most of the PRB members met at the power plant before the meeting and were provided a tour of the facility by the plant manager. They learned that a whitewater release is required to be three hours long which results in the lake level lowering by 1/10 of an inch. Whitewater season is 6 months long from April 15 – October 15 and those dates are written into the MDE water

withdrawal permit. Brookfield Renewable Power notes that there are many required releases written into the permit but there is room for them to listen to concerns of the property owners around the lake.

Property owner Jeff Long spoke to the Board that he was glad to hear of the ongoing conversations but has data he would like to share with the board members that disputes the claims of the plant manager. Long was happier with how the previous hydro plant owners maintained the water level of the lake (Reliant Energy). Weinberg asked him to provide Mathews with that data and she will distribute it to the board members so they can review it. Long advised the Board that there are over 1300 people who have signed up with the "Save the Lake" organization hoping their requests for deeper water depths for a longer recreational boating season will be heard and supported by the members of the PRB.

Audience Comments

Troy Ellington asked for the support of the Board in commenting to the editor of the Republican to make announcements for public meetings easier to find in the newspaper.

Barbara Beelar shared some of the experiences and successes her group had this spring with the stream wading program. Their work provided good supplemental data to the water quality work group and the waders found it to be very interesting work. She has also learned that MD Department of the Environment is planning to issue its TMDL (Total Maximum Daily Load) report for DCL using data its technicians gathered in 2008. She believes that the opportunity for public comment on the report may occur by late July. Beelar also advised the Board that DNR Secretary Griffin had committed to a funding a dredging plan in the current budget year. She believes that an RFP (request for proposals) for a dredging plan is being developed in DNR.

There was no further discussion.

The next meeting was set for Monday, July 12th at 6:00 pm at the Discovery Center.

The meeting adjourned at 7:33 PM.

Respectfully submitted:

Carolyn Mathews, Manager, Deep Creek Lake NRMA
(Minutes from digital recorder by Carolyn Mathews)

January 2010

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Monday, January 25, 2010 6:00 pm

Deep Creek Lake State Park - Discovery Center

In Attendance: John Forman-Chairman, Barry Weinberg, Bob Browning, Lou Battistella, Steve Green, Ernie Gregg, Scott Johnson representing Delegate Wendell Beitzel and Ed King representing Senator George Edwards

Absent: Jamie Coyle

DNR Representatives: MD Park Service, Carolyn Mathews-Deep Creek Lake Manager; Mark Spurrier, Assistant Manager DCL; NRP - Lt. Brad Stafford and Sgt. Dave Marple

30 members of the public in attendance

Guest Speakers: DNR – Bob Lunsford, Boating Services, Brookfield Renewable Power – Randy Garletts, Compliance Specialist, Glenn Neiport, Superintendent – Deep Creek hydroelectric plant

Meeting was called to order by Chairman John Forman

Minutes of the October 26, 2009 meeting were reviewed. Two changes were requested: a correction/clarification to page 4, paragraph 4 concerning a boat towing persons under the bridges – the sentence was corrected 2) asked that the adjournment time be added – with the corrections made, the minutes were approved.

Old Business –

Bob Lunsford provided an update on the recent work of the Boat Advisory Committee – the recommendation that was put forward to the DNR Secretary is similar to the prohibition in the boating regulations for Jennings Randolph Lake – cannot use a functioning cut-off device on your boat muffler. There is a bill in this Session of the Maryland Legislature to address noise issues. Engines manufactured before January 1, 1993 the decibel limit of 90 stays the same, for those vessels manufactured since that time the decibel level drops to 88 which is consistent with the National Marine manufacturing standard. Any boat functioning on Maryland waters will be required to have a muffler that is constantly functioning. This will be a regulation applied State-wide. To track the progress of this legislation look for Senate Bill 70. Bob Nichols, Bill's Marine business manager, expressed concern about commercial inventory – will that inventory be "grandfathered". Not many of his customers express concern about boat noise, but he would want to comment further if he finds he has vessel stock that would now be devalued or if recent customers who have spent money for the louder muffler capabilities have a problem with the regulation. Bob Lunsford explained if the legislation passes, that the cut-off switch needs to be non-functioning on any vessel newer than Jan. 1, 1993. The bill was introduced by the Chairman of the Environmental Matters Committee. DCL Manager Carolyn Mathews provided an update on the progress of the proposed changes to the Deep Creek Lake Regulations concerning power vessels docked at the permit sites. The regulations were drafted in spring of 2009 by the Lake Manager for the DCL Policy and Review Board. They moved through the steps of the Division of State Documents process for regulation changes during the summer. The public comment period was advertised to the property owners and comments were accepted from October 9 – Nov. 9, 2009. Seventy two (72) comments were received through several comment methods – US mail, DNR website comments and email comments. Members of the Policy and Review Board were sent copies of all of the comments and members raised no concerns or response. The DCL Management office staff reviewed all of the comments and replied to those received by letter and email. All of the comments were forwarded to the Superintendent of the Maryland Park Service for review and to gain final approval of the DNR Secretary to forward for final publication to the MD Register. However no action is taken on regulations while the General Assembly is in session as the state

employees who manage the day to day activities of the General Assembly are occupied during that time exclusively by the members of the Assembly and the work of Maryland State Government. Mathews advised the Policy and Review Board and the audience that final approval and movement on this proposal will not occur until after the General Assembly closes. The Superintendent of the Park Service, Nita Settina, is using this time to critically evaluate the need for this regulation change. She has concerns about the number of comments received and the expressed details about boat density, congestion, lake carrying capacity and whether this proposed change to the DCL regulations is taking the boating levels in the wrong direction. Settina wants to understand completely where this situation started, what has moved the proposal along and how the comments come into play with the proposal. Mathews has had a number of conversations with her and with the Deputy Superintendent, Chris Bushman about these concerns and has stated that these proposed regulations along with additional marking of docks with color coded stickers, will help to improve enforcement of the power boat limits allowed at docks around the lake. Weinberg asked follow up questions about what happens when the approval is granted from the superintendent to move forward with the final step of the regulations how much time will be involved. Mathews responded that there is a very short time period after that final approval that the Maryland Register personnel complete the publication and list the effective date of the revised regulations. Mathews estimated that the effective date could be as early as mid April.

Any lake permit holders who have special permits for the stands (all special permits issued for the stands that hold PWC's of 500 pounds or less were issued prior to 2007) will receive a letter from the Lake Management office explaining the action that will be taken concerning those special permits. Lake Management is unsure at this time exactly what the language of that letter will be.

To aid in enforcement of these new regulations and the number of vessels allowed by permit at the docks, Mathews showed a picture of a "license plate" that would be created for permit holders and issued to them to attach to their docks – 2 per dock unit – land side and water side placement. The license plate would be manufactured by the Maryland Correctional Enterprises. Many permit sites have extra vessels and it is a daunting task for staff to contact all of those who are over the number of vessels permitted at the site. Lake Management proposes that a "license plate" may reinforce with the permit holders that permission is granted annually for X many vessels (number noted on the annual permit) and the use of the buffer strip at this location". We need to have a better understanding by the permit holders that a specific number of vessels are permitted at the docks – they just can't dock as many as they want to have there all summer. Property owners can own as many boats as they wish but they have to choose which ones they keep on the water at the dock. They can rotate them in and out over days or weeks, they can launch additional boats for day use, but the number of vessels allowed at a permit site is either clearly on the annual buffer strip use permit (common docks) or is a Type A – two power vessels, one non-power vessel. That specific regulation is spelled out in the letter sent to all applicants when they apply for a buffer strip use permit.

The license plate would have the dock ID number on it and if the permit site applied for and was approved for a PWC, then a sticker would be issued for the permit holder to attach to the plate to identify the permit site as approved for the additional vessel. The development permit sites and the community docks would have a number written on the sticker (new color sticker each year like vehicle registration) which would indicate how many PWC's are permitted at the site. That number is based on the slip allocation. The criteria for evaluation of the application for vessels at docks are in the existing regulations. This idea is a cost to the Lake Management budget but necessary in order to enforce these revised regulations. Lake Management is looking for other ideas or thoughts on how to fairly enforce this revision. NRP and the Lake Management staff have to be able to check a permit site quickly to determine if enforcement action must be taken- the sticker/license plate seems to be the best idea to do that. Browning asked if everyone would have a sticker and Mathews responded that many license plates might only display the dock ID number, the sticker would only be issued if the permit holder received permission to put a PWC at the dock. But each permit site would receive two license plates for their docks – one to display on the water side or the dock and one for the land side. It is envisioned that issuing the plates would improve compliance with the regulation to post the dock ID number clearly. Question from the audience about community associations with multiple dock units, would they get additional plates for their docks – yes Mathews responded. Each permit site would get an amount of plates for display from the water/land for each unit. Providing the plates leaves little to no excuse for not posting the permit number clearly and enforces a regulation that has been in effect since the beginning of regulations on the lake - to have all of the docks around the lake identified to the permit site. The delayed response that occurred for an emergency on the lake last summer highlighted the need to have every dock clearly identified with a separate number. Common docks now have the same number no matter how many dock units the permit site has for the slips. Discussions are ongoing with Garrett County Emergency Management for a way to GPS all of the dock locations and coordinate the records in Lake Management with the records in that office.

Battistella asked for clarification about the stickers – if you don't want an extra vessel/PWC at the dock, you will not get a sticker and questioned how Lake Management knows if the permit holder has paid for the permit for that year. Mathews said the sticker would only be issued for the extra PWC and the buffer strip use permit records are in better shape for knowing who has paid and not paid for the season than for any other query that we can make to the system. Most permit holders pay the annual permit on time.

The problem Lake Management can see with the sticker system is that a family may decide not to have the extra vessel/PWC on the dock next year and not notify the LM office of that decision. Once the PWC is on the permit, the permit holder must be responsible to communicate intentions annually and we see that as a problem that will develop over time as family (permit holder) boating use changes. Every year the buffer strip use permit reflects the expectation of boating use for the upcoming season. We continue to charge permit holders for what is approved unless told differently. It will be the same as the mooring buoy and rental house fees - unless you advise Lake Management that you are not going to use the permit site in the manner that you have in the past, then we will not adjust the annual permit.

Mr. Conrad Stephanites spoke from the audience about concerns he has about the PWC regulations and how they would affect commercial permit sites. He recalled that Mathews had spoken at the summer meeting of the POA and that she had said to that audience that there would be no change at the commercial permit sites. Mathews responded that was correct as the proposed changes to the regulations do not affect the commercial permit sites. The commercial permit sites operate under special permits with specific operating conditions spelled out for each commercial operation. The number of slips for powerboats at each location is maximized at a density that is a reflection of historic use levels for rental boats, rental slips and other commercial uses. Each

commercial site is “grandfathered” for a specific number of powerboat slips and at density levels that existed long, long ago. A separate and different special permit issued for the PWC stands at the Bill’s Marine commercial permit site in front of the Glendale Shores Condominiums – not sure what the date of issuance is – was issued for the stands to hold PWC’s. The stands are a temporary structure on the buffer strip – which was the thinking at the time when Lake Management issued special permits for this use. But PWC’s are power vessels and the whole crux of this issue now for Lake Management is that powerboats are tallied through the annual buffer strip use permit. The buffer strip use permit is the control for the number of power vessels approved to be docked on the lake. If Lake Management is to be able to manage the boating carrying capacity of the lake, then the power vessels have to be represented by/on the permits in an accurate manner. The special permits issued up to a decade ago for PWC stands were quickly abused – the number of PWC’s on stands mushroomed (example: received a special permit for one PWC stand and put out additional stands the next year and more the year after that), permit holders upgraded their PWC’s to models over the 500 pound weight limit, and many permit holders put stands out without special permits. Lake Management stopped issuing special permits for PWC stands in 2006. The purpose of a special permit is to grant written permission for structures, alterations or use of the lake and buffer strip property.

Lake Management is working with the DNR legal department to determine how to go about revoking the special permits issued for the stands on the buffer strip. There are four commercial permit sites that have a special permit issued for stands to hold PWC’s. Because commercial permit sites are already at a greater density than what the regulations would allow if developed today, these special permits add power vessels to those sites over the limit permitted by the buffer strip use permits. Mr. Stephanites asked for further clarification about the 12 stands in front of his condominium at the Bill’s Marine permit site. Mathews advised that at some point the commercial sites will be told that they cannot have PWC stands in the water or on the shoreline at their permit sites. They are not eligible to apply for any additional slips because they are already at maximum density. Mathews continued that PWC’s have not been singled out for removal from the lake. Owners of multiple vessels have to choose which vessels they want to keep in slips on the water. Someone with multiple boats can seek multiple rental slips at commercial operations around the lake or store the vessel(s) off the lake and launch for the day they wish to use them.

Battistella spoke about what he believes to be common knowledge that the Bill’s Marine commercial slips in front of the Glendale Shores Condominiums are all filled by boats from the owners of Glendale Shores condos. Mathews responded that if that is true that is a very bad situation. She advised that Mr. Phil St. Moritz, owner of Bill’s Marine Service and the permit holder for the use of the property at that location, has assured her on several occasions that all 22 of the slips located there are advertised for rent to the general public.

Stephanites asked what economic impact study had been done for the proposed regulation change. Mathews responded that the economic impact questions in the regulation proposal focus on two areas. The first section asks what impact there is expected to the local economy and the second part asks what the fiscal impact is to the agency and the Department. To answer the first part of the question, Mathews explained that she used the number of PWC’s on record in special permits and the number of PWC’s counted in the summer boat counts to get a number of PWC’s on the lake without permit, then multiplied that number with an average cost for a mid-range PWC to put an estimated economic impact on the proposal. There are many variables. In addition, it was noted in the regulation proposal that sales of PWC’s are strong around Deep Creek Lake. This is in part due to desire to upgrade from older models, the improvements in engines, the desire to own multiple PWC’s, etc.

The second part of the economic impact was an estimated cost to the Lake Management office and the Natural Resources Police to enforce this proposed regulation change. As discussed in the topic before this one, a license plate system is under consideration which would display the permit sites with approval for the extra power vessel. The cost for this system would be incurred by the Lake Management office and offset somewhat by the \$100.00 fee that is proposed to be added to the buffer strip use permits and paid only by those permit holders who apply and are approved for the additional power vessel(PWC).

The carrying capacity of the lake as provided by the ERM (Environmental Resource Management) study of 2004 was very close to being reached on two Saturdays in 2009 – neither one a holiday. The boating traffic is increasing every year and many users of the lake are voicing discomfort in this traffic volume. The control on the number of power vessels permitted to be docked on the lake is through the buffer strip use permits.

Stephanites feels his property at Glendale Shores is devalued if he is not able to keep two stands for his two PWC’s on the shoreline. He also spoke about the purchasing power of many property owners around the lake who buy PWC’s in pairs as many people like to travel together. He finds the 500 pound rule difficult to understand as the older models of PWC’s are the only ones that fit that criteria as the new models all are heavier because they are now 4 cycle engines, they are clean, and they are quieter, better machines. Mathews explained those who wrote the DCL regulations early in the 1980’s wanted to allow those who owned canoes, rowboats, johnboats, kayaks, paddleboats, sailboards etc. to pull them up on the buffer strip for storage; it was not anticipated that permit holders would consider storing powerboats on the shoreline. The regulation limiting weight was not written for any environmental reasons or with PWC’s in mind. Several PRB members and past board members who were involved in the drafting of the Lake regulations have explained the concept behind this particular regulation several times in recent years.

Carol Doctor spoke about her concern that the intent of the proposed regulation change was not to take anything away from those who still own and use PWC’s that weigh less than 500 pounds. She is hearing that stands will not be permitted any longer when this change is approved. Mathews said that time will take away those PWC’s that may still be in use that are less than 500 pounds and the intent is to get the PWC’s on the buffer strip use permits and off the shoreline. She anticipates that the value of the stands will have been met by the time the regulation is in effect. Any vessel (power or non-motorized) that weighs less than 500 pounds can be stored on the buffer strip.

Browning then directed comments to Mr. Stephanites that his expressed concerns about the use his association has of the buffer strip put that site on “very thin ice” with what Stephanites is saying. That frontage is under a commercial permit which is different from a regular permit or a “homeowner’s” permit. If the HOA of which he is a member wants to apply for their own permission to use the frontage they can and can get an allocation of slips, but that allocation will be much less. Mr. Stephanites said he understood. Mathews referred back to Stephanites comment that he feels that his property is devalued because he can’t have PWC’s on stands on the shoreline and she reminded him that there can’t be a connection between the value of his property

associated with the slips in front of the condominiums because it is a commercial permit site. Mathews reminded everyone that Deep Creek Lake is owned by the public and must be managed for access for all.

Bob Nichols asked for clarification about the slip density at commercial permit sites. Green reviewed the considerations the Board had made in previous meetings relative to the commercial permit sites and all felt that the existing density was something the Board didn't want to see exceeded at those locations. The commercial permits live under a different set of rules, there still has to be some sort of control over them summarized Browning.

Stephanites asked for a show of hands of how many members of the Board have lakefront residential property. All but two raised their hands. King asked a hypothetical question -if Bill's Marine applied to move slips from another of their locations to the site at Glendale Shores, how would Lake Management view that request? Mathew answered that the application would be reviewed as any application is reviewed for conformance to the regulations. King then shared knowledge he has of some of the history behind the Glendale Shores permit site, the condo development and the existing and continuing commercial operations there. Nichols, commercial site manager, responded with an explanation of the list he manages for Bill's Marine slips and that there is some "longevity" as hold over from the previous business operations. King expressed concerns about that business practice.

New Business

The Policy and Review Board welcomed representatives of Brookfield Renewable Power Company who had been asked to make a presentation at this meeting about their water appropriation permit and their operating standards. Brookfield Renewable Power is the current owner of the hydroelectric generating plant located along the Youghiogheny River below Deep Creek Lake. Randy Garletts, Compliance Specialist and Glenn Neiport, Superintendent for Deep Creek Lake and Piney Dam in PA used a powerpoint presentation to highlight points of the hydroelectric plant operations and answered questions from the board members and the audience. Julie Smith-Galvin, Director of Communications and Stakeholder Relations for Brookfield Renewable Power was enroute to the meeting but unable to attend due to snowy travel troubles. During the presentation Mr. Garletts talked about the plant, its upgrades and maintenance, the permit and some lake level factors. The operators at the power plant electronically monitor the turbines and the generation of power. They physically check all of the operating elements of the plant two times a day/365 days of the year. The primary reason for the annual fall draw down of the lake water level is for protection of the spillway from ice loading.

The water appropriation permit is written and issued by MDE. Penelec operated under a permit from the 1970's – 2000 until they sold the hydroelectric plant to another company and the State purchased the lake and the buffer strip. The permit was due for renewal in 2006 and Brookfield Renewable Power participated in the renewal process of that water appropriation permit which was issued in 2007. There is a 12 year term on the permit. The next time the permit is up for renewal is 2019.

Mr. Garletts shared some lake level data in graphs and discussion, in particular answered some questions about operations that occurred in September 2009. Requirements specifically written into the permit:

1. required to monitor and control the lake level within the rule band
2. conduct a zebra mussel monitoring program
3. required releases for scheduled white water activities
4. conduct temperature releases to maintain the fishery
5. dissolved oxygen mitigation program
6. must maintain a minimum flow of the Yough River
7. file a number of reports annually with MDE.

Mr. Bob Hoffman, an audience member, had some water level data charts that he had brought to compare with similar charts discussed by Mr. Garletts in his presentation. There was lengthy discussion between members of the audience, the Brookfield Power employees and members of the Board about the differences in the data and the lower than normal lake water level of Sept. 2009. A number of people in the audience expressed a common desire for the lake water level to be held higher in late summer and fall for more boating days and more days of access to their docks.

Browning and Gregg offered that the PRB should look into the matter. Forman asked for volunteers from the Board to form a subcommittee to meet, examine the information and report back to the PRB with their findings. Three members of the board volunteered for the subcommittee: Barry Weinberg will chair the subcommittee - Bob Browning and Lou Battistella will work with him.

There was no further discussion.

The next meeting was set for Monday, May 3rd at 6:00 pm at the Discovery Center.

The meeting adjourned at 8:06 PM.

Respectfully submitted:

Carolyn Mathews, Manager, Deep Creek Lake NRMA
(Minutes from digital recorder by Carolyn Mathews)

October 2009

Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Monday, October 26, 2009, 6:00 pm
Deep Creek Lake Discovery Center

In Attendance: John Forman, Ernie Gregg, Steve Green, Jay Kaminek, Lou Battistella, Scott Johnson, Bob Browning, Jamie Coyle, Barry Weinberg, Senator George Edwards

Absent: Delegate Wendell Beitzel

DNR representatives: MPS Carolyn Mathews- Deep Creek Lake Manager; MPS Western Regional Manager Chris Anderson
NRP: Lieutenant Brad Stafford and Corporal Walt May

Attendance by the public- 13 people

Chairman John Forman called the meeting to order. It was noted a quorum was present. The minutes from the July 13, 2009 meeting were reviewed and one correction on the bottom of page 2 was noted. It was questioned whether Stump Point should be capitalized. Carolyn said she will capitalize Stump Point. The motion was made and a second to accept the minutes with the noted change. They will be posted on the DNR DCLSP website. www.dnr.state.md.us/publiclands/western/deepcreeklake.html

Old Business:

Proposed Lake Regulation Changes are in the public comment period - began October 9, 2009 continues through November 9, 2009. The web page is up and running. We are receiving mostly emails at the Lake Management email address. Sixteen persons responded so far to the proposal, 8 against, 3 had no position and 5 were for the proposed changes as drafted. Those opposed were of the opinion there are too many boats on the lake now, and this regulation change would make it even worse. We are responding to their comments with answers to their questions, and thanking them for their participation. Most PRB members wanted the comments summarized. One member asked to read all comments submitted.

Water Quality Concerns – A number of samples were taken at various times from coves in the south end where there has been concern expressed about algae growth. Samples taken by the Friend's of Deep Creek Lake citizen's group and by the DNR water quality sampling group were sent to the lab for analysis. Results from several of those samples showed multiple species of algae in the water column but the number of cells counted was not enough to cause a health warning for human or pet use of the lake water.

The October sampling date is later this week and one more day is scheduled in November. A final sample grab will be taken through the ice in January or February to complete the contracted testing by DNR Resource Assessment Service for this year. Testing for Calcium levels was added to the 5 evaluation parameters originally requested. This will help appraise the viability of zebra mussels in the waters of Deep Creek Lake. If someone wants to collect water samples, they can get instructions from the DNR Water Resources staff on proper testing techniques, required labeling, correct sample handling and the chain of custody protocols.

The work group meets next week to summarize results of the summer samplings. A presentation of the available data was given at the August POA meeting. John Wilson will combine the year's reports. This will be a snap shot view, but it will be more data than was available last year. The group will decide the most effective use of the NRMA funds available for the 2010 water quality studies, and what action to take with the capabilities we have at Deep Creek. Carolyn anticipates being limited to \$100,000 or less.

Lake property owner and Friend's of Deep Creek Lake member, Barbara Beelar asked to make comments about lake quality. She made 2 points.

- 1) Feels Carolyn was the one who took the initiative to seek funds for studies, but that is only part of what needs to be done.
- 2) Who stands to lose the most if the water quality of Deep Creek Lake should take a downward turn? The residents and county government stand to lose the most. There are many stakeholders: property owners, businesses, vacationers, etc. All must be committed. The water study is a good base for a beginning, but it's hard to grasp the larger issues. Friend's of Deep Creek Lake recently presented well received information at a Garrett County Commissioner's meeting. Many things contribute to the possible water detriment issues: road run off, streams with silt, mowing to the lake edge, the duck and geese population, etc. Where do we go from here? What plan to put together? We have no money, but we must plan now for when funding is available. If we put together a good plan, there are agencies that will "pony up" to correct the issues. Who leads the plan assembly- DNR, MDE, state legislature, governor, county commissioners, PRB?

The DNR work group is intending to develop a part of the plan to be merged with plans from other agencies. Example: storm water- ask county to develop methods to retrofit existing systems, and plan for more efficient systems in the future to avoid the direct run-off into DCL. The work group is chaired by John Wilson, Western Region Land Acquisition and Planning and includes a number of other DNR staff from fisheries, resource assessment and hydrologists, several MDE representatives, USGS representatives, and members of Garrett County government, environmental health, and the planning office.

A discussion about the meaning of water quality ensued. Does it mean the quality for swimming, fishing, boating? The different categories of quality need to be broken down by mapping the results of studies. Example: SAV, recreational, etc. A Watershed Management Plan is all inclusive. Members of the work group have been doing their own work and retaining the data. Environmental Health has been testing for over twenty years, and their information is now digitalized. MDE and USGS will release reports in 2010. Maryland Biological Stream Survey and Stream Wader data will be added to the collection. The Center for Watershed Protection has forwarded a report to John Wilson. This accumulation of research from various agencies must be understood and the next studies planned. Friend's of Deep Creek Lake would like to have a GIS overlay available for the upcoming workgroup meeting. We have a large amount of good data and a clearing house to organize the information; however, we also have a funding deficiency, and from the recent budget cuts, DNR lost the person who was going to do the majority of the IT work for this project.

Ed King spoke from the audience and is curious to have a study of the silt to determine if it is contaminated, and if it can be removed and used. Carolyn noted there are 5 sediment borings stored. They are available to be tested, but we do not yet have funding for the analysis. Fred Warther from Hickory Ridge reported he measured water depth in 1965. At fifty feet out he measured 9 feet. Six or seven years ago he measured again and had only 7 feet of depth. He has always felt the water quality was good, but feels they are being silted in. They have 2300 feet of lake front and have developed only a small part of it. They would be glad to have lake bottom silt dumped on the land. He also suggested fields on Dr. Savage's property. He noted the lake will soon be 100 years old, and there have been a number of radical changes to the land surrounding the lake. Ed expressed his dislike of the clam shell dredging technique. He feels the negative pressure pumps are a much better method. He suggested a

budget be set up to cover a certain amount of acres of the lake each year. Then over a period of years a number of acres could be done each year. More efficient storm water management would be helpful as well. 2007 legislation required a revision of storm water code. It is now undergoing a revision at the county level. A draft should be available November 11, 2009. It was noted a plan must be in place to prevent an accelerated rate of refill from the tributaries once the lake is dredged.

Individuals realize the silt samples are being held, but those who are not scientists want to know what sampling needs done. Carolyn said that an extensive list of tests was made several years ago, but it was necessary to prioritize and choose those tests which would be the most informative for the water quality plan that is being developed.

Gary Love referred to sampling and reporting. He reminded everyone there is a local Maryland Environmental Service office. He stated that they have the capabilities to do the sampling, send samples to the labs, and provide reports. Carolyn said for some reason there has been little exchange between the local agencies, but it would be worth chatting with them to see what they can do. The MDE offices involved in the algae testing are in Baltimore.

Carolyn reported she spoke with county roads officials, and asked them not to spray herbicides on the banks of the storm water containment basins because those chemicals eventually end up in the lake.

New Business:

High traffic areas- Carolyn reported she had property owners and management companies expressing concerns relating to high traffic areas of DCL in June, July, and August. Two of those areas were the Route 219 bridge and Glendale bridge. Buoys have been removed because NRP enforces the 100 ft. from shore minimum wake rule, but they are not there 24 hours a day. If the PRB is interested in considering any proposals, the Natural Resources Police must have a considerable input into the discussion. Carolyn thought buoys at commercial sites with gas sales may help to control the speed of boats approaching and lessen the possibility of gas being spilled into the lake while fueling. Both bridges have "corners" that boaters often cut which is much of the problem.

While there is adequate width for boaters under the bridges, placing buoys would force boats to stay farther away from structures and prevent cutting corners. A 6 knot speed limit should be helpful as well, but slowing vessels creates more wake, and possibly more congestion. Bridge piers are difficult to see at night. Highlighting the piers would make them visible to boaters. Lieutenant Stafford has spoken with the SHA safety engineer, and they are opposed to placing lights on the bridges. The PRB will request a reconsideration of bridge pier lighting.

Motion: The Deep Creek Lake Policy and Review Board supports lighting piers at both the 219 bridge and the Glendale Bridge. Motion Second. Motion carried. George Edwards will speak with the SHA regarding the 219 Bridge, and Ernie Gregg will speak with the Garrett County Roads Department regarding the Glendale bridge.

Discussion of speed at the bridges continued. The amount of boat traffic has been reasonably static since the 2002-2003 seasons. Speed in various places on the lake continues to be an issue. A regulation proposing a speed limit was taken to Annapolis a few months ago, and the proposal did not pass. Boats cause larger wakes when going up to plane, and when coming down from plane. Measurements show there is room for a boat towing someone behind it or one PWC to maintain speed while passing under the bridges if they travel in the middle between the center spans.

Chris Anderson suggested the DNR place buoys at the bridges to direct the traffic into an appropriate safety pattern.

Motion: Barry Wineberg moved the PRB support the DNR's proposal to place safety buoys at both the 219 and Glendale bridges to direct the traffic pattern. Motion second. Motion carried.

Mr. Warther asked Commissioner Ernie Gregg and Senator George Edwards why Garrett County supports the Chesapeake Bay Flush Tax, where does it go, and can it be repealed? Senator Edwards stated it is spread through the state and is intended to upgrade the 66 largest nitrogen producing sewage treatment plants in Maryland. The first one to be updated is the one on George's Creek. Our plants can apply after the first 66 are completed. It is unlikely the tax will be repealed.

Emergency Response to lake incidents was a topic of conversation with a property group when they recently asked that the lake be renumbered. This would present a huge costly and time consuming problem for Lake Management. Carolyn spoke with Brad Frantz at the Emergency Services - Garrett Central Alarm Center. The concern is to make the location of an emergency on the lake easier for boaters to determine so that appropriate emergency response can be quicker. If a dock number is given for location identification, there is no way to reference that number at the call center. In Lake Management's experience, dock numbers are not a reliable source of information since some owners are not diligent about maintaining the correct dock identifier. A more reliable location identifier is the GPS capability at Garrett Central. If the call is received from a cell phone, they can triangulate the location.

Some board members feel 911 addresses on docks would be helpful. Owners are welcome to place this information on their docks. This would be a huge transition, but the number would remain with the dock and not change with the individual owner as they do with the present system. The Lake Management database is very limited in its capabilities at the time, but Carolyn said the office will provide any information that would be helpful to plug into the software that Garrett Central uses.

Cherry Creek Lime Doser Funding was brought to Carolyn's attention by a newspaper article Lou Battistella found and circulated to members. She contacted Bureau of Mines official, Joe Mills and found that the funding to be in place for many years to come.

Correspondence:

Two petitions were received from Friends of Deep Creek Lake regarding sediment and SAV growth. A response will be drafted after the work group meeting, but the group's required deadline for action of November 15th will not be met. The response will be shared with PRB members.

Public Comments:

* Ralph Schmidt- Persons with major erosion problems wanting to construct a SEC wall are encountering obstacles such as getting HOA member signatures, \$750 application fee to MDE, long 3 to 4 month processing time, \$750 permit fee, Army Corps required more pictures, decisions related to regulations about what can be done on the Buffer Strip, and dock fees that have

risen. He finds expenditures for beach restoration on the eastern shore to be outrageous and stated it was time delegates fought for dredging and soil erosion control money for DCL.

* It was suggested the State of Maryland obtain a blanket SEC permit for Deep Creek Lake and the individuals construct their own walls. Carolyn responded that an inquiry was made about the possibility of a blanket MDE permit several years ago and the agencies involved rejected the proposal. Carolyn emphasized the fact that the Department of the Environment exists to protect the environment. All were asked to keep in mind there is no MDE fee for vegetative soil erosion control which is the desired method of engineering an eroding shoreline. There is no money available in DNR for waterway improvements it has been taken to other projects. George Edwards noted it is gone, but we must plan ahead, get a request in, and when money becomes available, we will be ready to act. The question was raised- What can those monies be used to cover? Waterway studies? No. Monies in Waterway Improvement may be used for stabilization and public access to water among other things.

* The lake water level is an issue with many home owners. One individual noted he had kept a boat in the water until October, but since 2005 he has had to remove it by September. Brookfield Power took over the dam in 2005 and is maintaining the water level at the lower limit of the Rule Band. Data shows the prior owner maintained a level nearer the high limit of the Operating Rule Band. The lower water levels greatly affect boating and dock accessibility on DCL. Permits also exist requesting water be released at certain times for kayaking, and water withdrawal for businesses and a golf course. The drop is supposed to be gradual over a period of time, but a sudden drop is now the norm. There is no on-going discussion with the individuals who have permits to withdraw water from the lake and the permit is due to renew in 2013. Any permitted withdrawals would have been taken into consideration, and would probably be insignificant. The same Rule Band has been in use since the 80's. Brookfield Power has no obligation to stay at any certain level, as long as they keep the level within the Operating Rule Band. A meeting with Brookfield was discussed. Carolyn will contact the company and MDE and ask to place them on the agenda for the January 2010 PRB meeting.

* Property owner Ed Neff asked to talk about four Special Permit Applications he filed with four different outcomes. He complained that DNR makes inconsistent and contradictory statements that are having a negative impact and making the area less desirable for home owners and tourists, undermine DNR authority and property owners' confidence and the economic well being of the area. Ed asked for 1) establish a fair, reasonable, consistent procedure that encourages and develops public confidence and the economic well being of the community, and 2) the approval of the SEC wall repair application. Carolyn responded that this is an example of a common problem we run into on a daily basis. We have over 25 years of records in our office but many of those files are incomplete. During our inspections, if Rangers see something has been constructed on State land that does not have a permit on record; we make every effort to resolve the issue with the present property owner. The property owner can produce a permit that we don't have in the file or must apply for a permit to cover the existing improvements or remove those improvements which do not meet the regulations. In the case of shoreline walls, in the early decades of Deep Creek Lake many homeowners went to the lake bed, picked rocks, and stacked them in a form of casual rip rap and summertime family fun. Under current regulations and for the protection of the environment, an application with construction details and other information must be submitted to MDE for any shoreline erosion control that involves adding material or using machinery. Alterations to the shoreline in any manner require applications with review and approvals from two different agencies – this is in the best interest of the lake.

* Barbara Beelar of the Friend's of Deep Creek Lake asked the PRB to consider a resolution or place on the January agenda the petitioner's request, and a request for studies of the impacted southern coves. Her group would be available to do the research. No response to this request was made by the board members.

Western Regional Park Manager Chris Anderson thanked the group for being a part of his interesting career. He told the members he has enjoyed the meetings, but he is looking forward to retirement, and there will be a new person sitting in his place on January 25, 2010.

Next Meeting:

January 25, 2010, at 6:00 at the Discovery Center.

Motion to adjourn. Second. Motion Carried.

Meeting adjourned at 8:22 pm

Respectfully submitted: Carolyn Mathews, Manager DCL NRMA

July 2009

Regular Quarterly Meeting

Monday, July 13, 2009 at 6:00 p.m.

Deep Creek Lake Discovery Center

In Attendance: John Forman (JF), Barry Weinberg (BW), Scott Johnson (SJ), Bob Browning (BB), Jamie Coyle (JC), Delegate Wendell Beitzel (WB), Lou Battistella (LB), and Jay Kaminek (JK) representing George Edwards.

DNR Representatives: MD Park Service, Carolyn Mathews - Deep Creek Lake Manager; Chris Anderson, Western Regional State Park Manager

Absent: Steve Green, Commissioner Ernie Gregg, Senator George Edwards

15 members of the public in attendance

Chairman John Forman called the meeting to order at 6:05 pm. It was noted a quorum was present. The minutes from the April 27, 2009 meeting were approved, and will be posted on the DNR DCLSP website.

www.dnr.state.md.us/publiclands/western/deepcreeklake.html

The County roads department has been doing some roadside spraying in recent weeks. It is noted by a Board member that spray had been applied sometime recently along the banks of the storm water ponds in McHenry. This activity is not condoned by DNR

as we don't want to knock the plant growth back – it plays a role in the filtration process, the purpose of the ponds. Carolyn will talk to the County roads office and ask them to stop spraying herbicide anywhere near the lake shore or storm water pond banks.

Old Business:

Mathews announced that the work to prepare the proposed changes to the DCL regulations has been completed and the package is now being circulated through DNR for a number of required signatures. These proposed regulations if adopted, would affect the number of power boats permitted to be docked overnight at permit sites. If the signatures are obtained soon, the public comment period may be during August and into September with adoption by mid November. Mathews will advise the Board members when the package is moved out of DNR into the next stage of the review process and when they reach publication in the Maryland Register. The public comment period will be publicized and the Lake Management office will create a separate mailing to all permit holders explaining the proposal and advising them of methods to use to provide comment.

Mathews led a discussion and answered questions about the 2009 budget (expenditures and revenue) report that was provided earlier to the Board members. The State is in quite a budget situation as is the national economy. There will be staff reductions across the State this year, no specific news at this time. There are not expected to be any staff reductions at Deep Creek Lake and although budget numbers are not available yet, the amount is expected to be the same as what we have worked with for the last two years. The water quality testing going on this summer will continue and is fully funded. We continue to have the stream gauges operational at Cherry Creek and Poland Run – both of these are monitored and maintained by USGS and the results are always available online at http://waterdata.usgs.gov/md/nwis/dv?cb_00060=on&format=gif_default&begin_date=2008-10-19&end_date=2009-10-19&site_no=03075800&referred_module=sw. The water quality work group will digest the data collected from the various sources and put together recommendations for management decisions towards improving the water quality issues of the lake.

New Business:

Mr. Conrad Stephanitis, Mr. Charles Hennett and Mr. Frank Neff, condo owners and residents of Glendale Shores, addressed the Board about safety issues and concerns they have at the commercial dock site (Bill's Marine) in front of their condominiums (northwest side of the Glendale bridge). Their presentation included descriptions of boats traveling at high speeds very near the end of the docks causing large wakes and wild rocking of the docks while people are standing on them. The large wakes also cause a great deal of damage to the docks which are repaired annually at significant cost. The constant boat traffic is a threat to swimmers using the lakefront from their association. At one time there were buoys in front of this permit site. They have asked the Lake Management office to put buoys back in front of the docks in order to push the boaters further out into the lake- away from the docks. The Lake Manager told them last year that the buoys were not put in at that location because they are not specifically there by regulation – the 100 feet from the shoreline regulation is enforced by NRP officers everywhere around the lake. They are angry that the buoys are not placed in front of that commercial permit site and they feel the lack of buoys presents a very dangerous situation. They asked the Board to intervene on their behalf for some relief. Board members listened and asked some questions. Mathews explained to them again that several years ago the volume of requests for what was known as "courtesy" buoys, reached such a level that NRP and Lake Management agreed that they were "clogging" the lake with them. The NRP officers felt that stricter enforcement of the boating regulation that requires boaters to maintain 100' from the shoreline was appropriate. The navigational buoys that are placed in the lake have regulations to support their placement or mark extreme hazards such as Stump Point and the approach to the bridges. The Board sympathized with the representatives and asked Mathews to speak again with the NRP to see if there is a way to put buoys back in front of Glendale Shores

Mr. Ken Fisher representing the Lakewood Resorts Council of Owners then echoed the concerns expressed by the Glendale Shores owners. The Lakewood Resort permit site is located on the northeast side of the Rt. 219 Bridge where boating traffic cuts the corner after passing under the bridge to head north into the McHenry Cove. Their HOA spent a considerable amount of money last year on installation of shoreline erosion control – rip rap, and are seeking a way to get relief from the churning wave action caused by heavy boating activity that occurs at that area. Mr. Fisher feels that there should be speed limits on the lake and that the number of boats out on the lake should be reduced. He recommends the Board call a special meeting to discuss the matter with facts and figures.

There was a motion to continue the meeting beyond the 8:00 hour – 2nd and unanimously approved.

DCL Manager, Carolyn Mathews then shared with the Board members comments she made and discussion topics at a recent gathering of the group Friends of Deep Creek Lake. Topics discussed were about the past and present water quality studies, the funding sources for these studies, some ideas about what is ahead and the efforts of DNR to communicate water quality issues and concerns to the populations that use public waters for recreation. Ms. Barbara Beelar, lake property owner and one of the leaders of the group explained the groups concerns about the loss of recreational use of waters due to declining water quality caused by what is perceived as excessive growths of submerged aquatic vegetation (SAV), discolored water, unidentified growths on sticks and docks and surface algae that appeared in the late summer of last season. They are concerned about swimming risks due to the plants and algae. They feel the SAV present a danger to water skiers and many cannot boat where they want to due to shallow water conditions. In response to the question Mathews put to the group of "what do they expect to see at this lake?" the response was the same full recreational use of the lake as others have. They pointed out that the southern end of the lake is more prone to SAV growth than other areas of the lake due to its more shallow nature. They were told that SAV's are good for water quality and important for the existence of a healthy lake and provide habitat for aquatic forms of life – all vital for a healthy lake. The group feels that they cannot make maximum recreational use of the lake because of the shallow coves and the SAV growth in them, particularly late in the season.

Several members of the Friends of Deep Creek Lake then made comments to the Board about additional water quality matters of concern. They don't feel there is need for any more research. Sampling has been done, data will be available and action must be taken immediately. Ms. Beelar stated that property owners who pay full taxes want a tax break because the recreational access is not what is promised and is declining rapidly. They may be willing to pay higher permit fees if the money were to be directed towards reversing the water quality decline. As a general summary expressed by the audience members, there is a problem with the lake and an increasing number of people are concerned as taxpayers about this complex problem.

Jamie Coyle commented that harvesting SAV's is not a cheap activity. He is familiar with harvesting activity in other lakes where he often goes fishing. He has observed that SAV's do cycle over time – some come sooner and stay longer through the season and there are sediment issues associated with SAV growth. There could be jobs here for “green” industries as a part of the solution.

The Friends of Deep Creek believe that one of the sources for the overload of nutrients in the lake comes in via the tributaries. They feel there is no enforcement of the nutrient management plans that agricultural lands must have to operate as farms. Wendell Beitzel responded that farmers and farming activities follow many requirements.

The board was asked if they see that there are issues and problems with the water quality of the lake. John Forman (JF) responded that it is good to have watch dogs on management of public areas. It is certainly a concern and the Board supports the studies that have been ongoing for several years. The problems are complex and perplexing. There are land use issues which fall to a great extent with the County responsibility. There are sediment and erosion permits and grading permits issued by the County that could be looked at closer. Someone in the audience observed that the Board has access to others in the County government and to speak strongly to the problem and to please represent property owners about these concerns.

Does the lake have a long term problem? The Friends of Deep Creek Lake do not want a short term “band aid” approach that would mask the problem. Barry Weinberg (BW) commented that the Board should go on record that the State needs to address a serious problem. Bob Browning added that half of the Board members are appointed by the Governor and the other half represent interests of the County and that a lake policy is necessary. BW said that DNR has been conducting water quality studies and the work group that DNR set up last year is gathering the information and will be making a report to the Board. DNR has been reporting to the Board the progress being made with the water quality studies. The DNR will provide recommendations for action on the findings. The best people are working on this problem. The PRB will invest time and consideration into the problem when there is a report and data to review. JF said there is not a short term solution, it will take time and money to turn the problems around and that includes changing the practices of many industries and people.

One point of clarification was made by Ms. Beelar to the Board about the Streamwaders report she provided at the April meeting. She wanted to be sure that the Board understood that the Streamwaders are volunteers who are trained by DNR staff from the Resource Assessment Service to collect insects from tributaries across the State in the spring time. This assessment program has existed for many years and is directed by biologists who then work with the data. The rating and stream assessment index (poor, good, very good) is a DNR index not an index created by the volunteers who participated in the data collection.

Mr. McCarthy of the Coast Guard auxiliary is seeking more volunteers for the unit he has been working to build at this lake. He stated there are 4 cornerstones for support in this type of auxiliary: 1) fellowship with other boaters 2) education in boating safety and public safety 3) a presence on the lake 4) sea partnership which is a bigger organization when more people are involved. To be a member of the CG auxiliary unit there are dues of \$28.00 per year and members must pass a security background check. He asked the Board to help promote and support the auxiliary.

The meeting was concluded at 8:43 pm.

Supplemental: The Board wrote and published a “Statement on Water Quality” which was mailed to all permit holders on Deep Creek Lake in early October as well as published in the Republican on October 15th, 2009.

Respectfully submitted: Carolyn Mathews, Manager
Deep Creek Lake NRMA

April 2009

Monday, April 27, 2009 at 6:00 p.m.
Regular Quarterly Meeting
Deep Creek Lake Discovery Center

In Attendance: John Forman (JF), Barry Weinberg (BW), Steve Green (SG), Ed King (EK) for Scott Johnson, Bob Browning (BB), Jamie Coyle (JC), Wendell Beitzel (WB), and George Edwards (GE)

DNR Representatives: MPS Carolyn Mathews - Deep Creek Lake Manager; NRP - Lt. Brad Stafford; Boating services – Bob Lunsford, MDE - Jim Kahl; DNR Planning - John Wilson.

Absent: Ernie Gregg and Scott Johnson.

Attendance from the public – 18 citizens attended the meeting on a very warm, pleasant night.

Chairman John Forman called the meeting to order at 6:04 pm. It was noted a quorum was present. The minutes from the January 12, 2009 meeting were approved, and will be posted on the DNR DCLSP website (www.dnr.state.md.us/publiclands/western/deepcreeklake.html).

The PRB welcomed Jamie Coyle, the Governor's appointee from the Maryland Bass Federation.

Old Business

Boat Noise – DNR Boating Services Administrator Bob Lunsford reported on the Boat Act Advisory Committee recommendation to the Office of the Secretary that the acceptable decibel level be lowered from 90 to 88. The Committee recommended using the stationary sound method to identify boats needing to be pulled over and decibels assessed. The Secretary will ascertain legislative action to change the maximum allowable decibel level. BW asked if there were any other issues that would affect DCL. BL reported there were none.

Shoreline erosion control applications and fees - Jim Kahl of MD Dept. of the Environment (MDE) explained the legislation that went into effect in July 2008 that implemented a fee schedule for applications and permits issued by MDE. The shoreline erosion control applications from property owners around this lake fall under these permit fees. The State of Maryland owns the lake, shoreline and land immediately around the lake but adjacent property owners may apply (to the Lake Management office and

MDE) for permits to install shoreline erosion controls in order to stabilize the shoreline and prevent erosion. MDE regulates activity in streams, shorelines and any lands in the 100 year flood plain. Adjacent property owners feel that if they are paying for shoreline erosion control on State land, their applications and permits from MDE should be exempt from the fees. Mr. Kahl stated that the only application that would be eligible for exemption of the fee would be if the applicant requests shoreline stabilization using vegetative methods. He continued with the explanation that if any kind of equipment is used in construction and materials (stone/rock) are brought in for the project, an application fee of \$750.00 is required and an approval fee \$750.00 must be paid when the permit is issued. If the application is for work that will be a fieldstone restack with no equipment involved, the application is exempt from the MDE fees. The fee schedule is in line with other states which have been charging fees for SEC permits

Bob Browning stated that fees should not be charged on lakefront shoreline alterations since the State of Maryland owns the shoreline. He asked why the adjacent property owners were paying application and permit fees. CM explained that the Lake Management office is encouraging permit holders to consider vegetated shorelines and the new fee structure of MDE supports and also encourages vegetated shorelines by not charging for review of those applications and for the approved permits. CM distributed a handout showing shoreline erosion control comparisons between hard engineered bulkheads, rip rap, and vegetated alternatives. The handout was an article titled Reston, VA – Softening the Hard Line from the spring '09 issue of *Lakeline*, a magazine publication of the North American Lake Management Society. BB inquired why there is no SEC blanket permit. CM replied that the Corps and MDE evaluated that several years ago and determined that the undisturbed shoreline was a higher percentage than the Army Corps of Engineers would issue a blanket permit to MDE to manage. Such a blanket permit would be problematic for the State. JC stated the shoreline is so varied and one type of SEC would not work for all. Mr. Kahl advised those attending to go on line and check on the exemptions. The question was raised about fees for the combination of hardscape erosion control and vegetative erosion control. JK felt fees would be waived for minimal hardscape used in combination with vegetation for erosion control.

EK recalled having this same discussion some 25 years ago. He stated the erosion is at the water's edge, and vegetation will not grow at the 2461 level and below. He stated the fees are discouraging owners from constructing rip rap. Kahl stated the fees allow for more MDE reviewers and therefore applications can move more quickly through the process. BB noted the Lake Management Office is cooperating with MDE in this effort, and asked if screws are being tightened. CM stated Buffer Strip Use Permits allow people to make use of the lakefront. We meet with permit holders to discuss their ideas for shoreline erosion control. We recommend 6 ft or more of uncut vegetation with some brush willows or shrubs for the best shoreline stabilization. If the adjacent property owner does not hear options that they prefer and hope to be approved, the property owner walks away from the project. WB asked if DNR is subject to MDE regulations. CM stated DNR is absolutely subject to MDE regulations- example storm water pipes, etc. have to be approved by MDE. The county is also subject to MDE regulations. BB questioned who approves dredging. He was advised to talk with Mr. Kahl. WB stated funds are still available from the State Waterway Improvement Fund. BL stated they provide a 50/50 deal for approved dredging projects. The question was asked if the funds were available to the individual. Kahl reported yes, they are available, if the individual can match the funds.

Mathews gave "Advice from a Lake" ball caps to all board members as thanks for their continued participation and interest in the DCL Policy and Review Board. Copies of the DCL Recreation and Land Use Plan, Policy and Review Board Procedures and Operations were provided to all board members since Mr. Coyle is a new appointee to the Board.

New Business

Lake Management

Water Quality Work Group

John Wilson, Associate Director of the Stewardship Group addressed the group regarding his responsibilities for managing DNR land. He chairs the water quality work group. Members of the work group include DNR Resource Assessment Service, US Geological Service, MD Fisheries Service, representative of MDE in the TMDL (Total Maximum Daily Load) program, Deep Creek Lake Management Office, Garrett County Soil Conservation Service, Garrett County Natural Resource Planner, a member of the Property Owners Association, a member of the DCL Policy and Review Board and several citizens. They have had a couple of meetings, the last being at the end of January. The group intends to develop a lake water quality monitoring plan and add that plan to the DCL Recreation and Land Use Plan. Water samples will be taken from the lake monthly over the next year for a data base. All research and data will be made available to the public through various websites. Other ongoing and continuous sampling on DCL include fisheries monitoring by DNR Fisheries Service and bacteria studies by Garrett County Health Department. DNR has also nearly completed a shoreline survey using a special camera that plots GPS coordinates with the shoreline photograph. This information will be very useful as the various studies proceed. A water quality baseline will help evaluation over time. Monthly sampling is scheduled for 7 areas in the main body of the lake, 8 cove locations and 2 streams. More streams may be added later. Storm and non-storm samples will be collected and sent to DHMH lab for analysis. The information will be shared with the members of the work group and on-line. Cherry Creek and Poland Run will continue to be monitored for flow conditions.

John Wilson then asked citizen activist Barbara Beelar to report on the Stream Wader activity that she spearheaded earlier in April as part of the state-wide DNR program. Barbara Beelar invited everyone to come out to help or observe the Stream Waders program in action. She stated 80% of the samples collected in past year sampling were poor/very poor coming into the lake. One site was good, but they anticipate it will deteriorate in quality. JC asked how often samples had been taken. It was noted this type of sampling is done every 3 to 4 years. EK stated he had researched IVI index, which measures the viability of invertebrates, and some results pre-dated the lake. The discussion led to the question –Would a numeric value mean more than the present rating of "poor/very poor"? The question will be asked to the Maryland Biological Stream Survey (MBSS) staff that developed the program.

Barbara Beelar also distributed a three page handout of maps showing sampling sites around the lake. The maps were provided to her by attendance in the Stream Wader volunteer training (MBSS) and showed the data points. BW asked why look at old stats and what do they mean. Barbara stated that in one area there were 20 samples taken within 100 feet. Some of them showed no invertebrates, others were heavily populated with invertebrates. EK asked what is keeping the invertebrates out. John Wilson stated it is the water chemistry and habitat conditions. CM addressed the fact that there were inadequate financial resources available to include a nutrient study on the first go around. It is very expensive but we will build on what we have and add to the research topics as each year passes. This water quality project is long term. JC said a present day overlay of the topography of

the lake would be helpful to understand the changes. BW feels too little information is given on the maps. BW asked for a timeline on information availability, and Wilson responded they anticipate making quarterly reports and getting the website available.

CM noted that future changes in management of the lake will be towards improving lake water quality. BB stated he feels the water quality in the lake is good. JW noted USGS did sediment core studies and saw the largest influx of sediment in the logging era of the 60's and 70's. BB asked about the sediment core reports, and CM reported it is under final review by USGS scientists. EK questioned if sediment was analyzed, and is it contaminated. CM noted we did not pay for looking at contamination this time, but next time we will. JW stated if dredging in coves is anticipated, we would do a re-coring study.

Carolyn Mathews distributed a handout promoting rainscaping. Rainscaping is landscaping designed to capture storm water runoff before it leaves the immediate vicinity of a house or hardscape. A discussion followed about tax breaks, and the legislature entertaining the idea of a tax break for establishing runoff control.

Other distributions to the board included: Handout-Reporting a Suspected Algae Bloom on Deep Creek Lake and a Handout-Reference Bibliography for the Deep Creek Lake/Watershed

Lake Regulations/Correspondence

CM noted the PWC legislation will be coming to a public comment period soon.

BB questioned the Lake Management Office policy that docks may not be placed on the water of Deep Creek Lake prior to April 1st of any given year. He stated that he thought the long standing policy for placing docks in the water in the spring was - when ice is off the lake, docks may be put in. He then clarified that at some point in time it became when the ice was off and the BSU permit fee is paid for the season. He would like the policy to remain docks may be placed on the lake in the spring as soon as the ice is gone and the annual BSU permit fee has been paid. A discussion followed among those present concerning the safety issues with the possibility of re-icing if docks are placed in the water too early. WB stated DNR can not regulate infinitely. Discretion must be used. CM expressed to the group the reasoning for the letter concerning early dock placement was to elicit the help of the PRB to remind permit holders about the April 1st date in the lake regulations. WB stated no change in the regulation is necessary. It is not necessary to micromanage. CM reiterated the fact that there were many docks in the water and the annual permits had not been paid. A discussion followed suggesting that a press release from the Lake Management Office would announce when the State Park launch ramp is open and also address the dock placement issue. CM stated the Lake Management staff now has the ability to better track details around the lake, thus identifying problems with late payments, and mailing late notices. Karen Myers asked if there was a problem with delinquency. CM stated it has improved over the last 2 to 3 years, but there is a small problem of new owners falling through the cracks.

A member of the public said they heard a report of Lake Management staff reviewing properties around the lake. JW suggested the Lake Management Office provide education to individual owners regarding management for Buffer Strip and Conservation Easement, SEC, storm water management, septic, etc., and perhaps develop incentives to encourage management of problems on private property. CM stated there will be educational information in the local newspaper, and three informative Special Permit classes held this summer with more to come next year. JW stated there is a library of studies available to the public. CM stated we will have rainscape projects at the Discovery Center, a web site, and things for homeowners to do to help with being good stewards of the lake.

General comments by the public

Concern was expressed over the requirement to remove boat houses from the Buffer Strip. CM discussed the fact that the boat house existed by a Nonconforming Permit which expired in 2001. The building was re-sided sometime in recent years without a Special Permit, and Lake Management had not had the opportunity to look at the structure prior to the residing to evaluate it. Part of the annual inspection process includes photographic documentation of all alterations and structures on the buffer strip and the conservation easement properties and follow-up with the buffer strip permit holder to obtain special permits for work that has been done, that would be approved or require removal and repairs if the work would not have been approved.

The annual inspection of up to 15 miles of shoreline is a systematic way for the Lake Management Office to document what alterations have been made to Penelec/State property, review the permit records and have conversations with the permit holders about violations and notations. The Non-Conforming Use Permits have all expired. They were issued when the regulations were going into effect in 1988 and 1989. They were valid for up to 15 years after the date when they were issued. They were issued with the understanding that the permit holder knew that whatever the use was that was permitted, they had up to 15 years to remove or alter to conformity, the non-conforming use. In the past year Lake Management staff has discovered several cases of the non-conforming use still existing. The Lake Management Office is enforcing the limits of the non-conforming use permits and has been working with those residents to reach an understanding of what their use of the permit site must be per the regulations.

The written trail of correspondence (from years gone by) with the permit holder requiring removal of whatever it is (most often roadways or fences) is provided to the permit holder and a date set by which the permit holder is required to remove the encroachment (up to 60 days).

The Lake Management Office views installation of improvements using concrete as a problem as well as lighting which has been added to pathways and at docks without permission. BB stated grandfathering is changing. CM noted that for some older properties having over-sized sheds and patios, the size was noted, DNR said OK, and documented the situation. The policy for structures or improvements that we cannot find a written record of permission, we always ask for anything that the property owner may have in writing that would confirm that permission was sought and granted, otherwise we work with the adjacent property owner to either get the item removed if it doesn't conform to regulations, or if it is something that would be permitted, have them make an application for the improvement and issue the \$70.00 special permit to grant the permission. When permit holders make an application to perform some work on the buffer strip or conservation easement, we discuss with them how to meet the regulation requirements and we now have County construction code requirements to consider with applications. Examples: old lighting along an old path or mounted in trees-with no Special Permit. We require the lighting to be removed. If the permit holder wishes to have working lighting, then they must apply for permission for lighting and install it with materials that meet code. BW stated the policy of permitting things around the lake makes sense. People need to generally understand what Lake Management

is doing. CM noted we do get a lot of positive comments with the Notice of Violations we mail to property owners after an inspection has taken place. Property owners need to understand that it is important to maintain a written record of all permission that has been granted for alterations and uses of the buffer strip and conservation easement properties. We are essentially a property management company with a very special responsibility for the health and welfare of a body of water. Many people think we do good work.

Barbara Beelar stated she had submitted petitions asking DNR/Lake Management to immediately develop a plan to regulate aquatic vegetation, sediment, etc. She expressed concerns that 4 coves were becoming seriously impacted by floating pond weed, which entangles watercraft. The pond weed needs removed by mid-July or it's there over the winter. She wants to focus on help with the floating pond weed problem. JC stated the pond weed comes from an increased nitrogen level and no phosphorous should be used in the area surrounding the lake area. CM stated there are no funds in the Lake Management budget for pond weed removal.

A property owner stated he has had to remove his boat by August 1st for the last 13 years, due to the dramatic changes in the lake. BB said no major changes have occurred. Floating pond weed no different than SAV. 23 years ago, DNR sent letters stating docks may need to be removed by mid-August because of weed growth in the coves. CM stated the Lake Management Office defines eligibility for docks for permits based on a useable water depth of four feet. JF asked if this is a dredging issue. CM stated it is not. JC asked about a study on the number of SAV species. CM said Frostburg University has done a survey in recent years. The Lake Management Office can make available the species list provided by that professor.

A discussion followed about unwanted species migrating into DCL from boats and trailers. CM informed the board that other lakes across the nation have instituted a boat and trailer washing requirement that may have to be looked at for this lake as many boaters come to here from other bodies of water that have populations of invasive species.

CM informed the Board that she has no information from the Governor's Appointment Office concerning the open seat.

The next meeting date was set for Monday, July 13, 2009 at 6p.m. at the Discovery Center at Deep Creek Lake State Park.

Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Carolyn Mathews, DCL Manager

Handouts:

Agenda

Policy and Review Board Procedures and Operations

Three maps of lake areas sampled

Rainscaping campaign promotes 'beautiful solutions' to pollution

Reporting a suspected Algae Bloom on Deep Creek Lake

Comparison Matrix for Shoreline Stabilization Methods

Deep Creek Lake Water Monitoring Program Plan

January 2009

Monday, January 12, 2009 at 6:00 pm

Policy and Review Board – Quarterly Meeting

Deep Creek Lake Discovery Center

In Attendance: Lou Battistella, Bob Browning, Barry Weinberg, Scott Johnson, Steve Green, Jim Kline

DNR representatives: MPS-Carolyn Mathews, Deep Creek Lake Manager and Major Chris Anderson, Western Regional Park Manager; NRP- Lt. Brad Stafford and Sgt. Dave Marple; Boating Services – Bob Lunsford.

Absent: John Forman, Ernie Gregg, Senator George Edwards and Delegate Wendell Beitzel (the General Assembly convenes on Wednesday, Jan. 14th)

One seat remains open awaiting an appointment by the Governor.

Attendance from the public was slim – 8 people on a cold and snowy night

Chairman John Forman was ill and absent and had asked Barry Weinberg to chair the meeting. The meeting was called to order at 6:05 PM and it was noted that a quorum was present. The minutes from the October 2008 meeting were approved and are posted on the DNR DCLSP website. www.dnr.state.md.us/publiclands/western/deepcreeklake.html

Old Business

Boat Noise - DNR Boating Services administrator Bob Lunsford reported on the recent meeting of the Boat Act Advisory Committee (BAAC) that was held at Deep Creek Lake State Park on Thursday, December 4, 2008. That committee has been touring the state to personally glean comments from boaters and residents about boat noise. They will meet next on Thursday, January 22, 2009 in Annapolis to draft a recommendation for a State-wide regulation change addressing boat noise. This will be a public meeting, anyone is welcome to attend. If the PRB would like to make a written comment to their recommendation, it would carry a lot of weight. Mr. Lunsford continued with his comments that he expects Natural Resource Reserve officers will be detailed when possible this summer on waterways of the eastern shore to collect data on noise from shoreline properties.

The BAAC will post for comment two alternatives for the Secretary to consider – one to address concerns at Deep Creek Lake and one for the concerns of boat noise on the Elk River and other places of the State. [Elk River SAJ1970 and DCL SAJ2005 (90db)]

The need for increased enforcement and increased education will be components of any recommendation. Presently there are too few specifications in boat noise testing methodology and too many variances for the officers to write citations that will stand up in

court. The BAAC has invited an acoustical engineer from Mercury to participate in their meeting on January 22nd to discuss the technological advancements of exhaust systems.

Parker Jacobs asked for clarification of the Maryland decibel level. Mr. Lunsford responded that 90 decibels is the maximum allowable limit in this state. He then asked Mr. Lunsford if production boats can make that level and the response was – “yes”.

New Business

Property Inspections/Special Permits - Carolyn Mathews spoke to the Board about the ongoing and annual inspection of the State owned buffer strip and the conservation easement properties on up to 15 miles of shoreline. It takes staff 5 years to go a lap around the lake if they get 15 miles done each year. This annual inspection of a portion of the buffer strip often times uncovers improvements that have not been permitted or things that are specifically prohibited by regulation – including ropes tied to trees, or lighting and hardware mounted in trees. Many times property owners claim that something is “grandfathered” but after a review of the files, evidence to the contrary is found. They are required to remove the violation. The Lake Management staff is being firm with inspection standards. We require that special permits be applied for and issued to permit things that have “popped up” and we are enforcing the limits of permits that were issued in the 1980’s that had expiration dates i.e Non-conforming use permits that expired 15 years after issuance (all expired by the end of 2003). It has come to the attention of the Lake Management office that someone in the community has circulated a statement that the policy guiding the issuance of special permits has changed, it has not changed but the limits of permits are being enforced. In 2008 staff inspected/visited close to 1200 permit sites for a variety of reasons. Over 78% of those sites were noted to have regulation violations. The notices of violation seem trivial to many people, but the primary purpose of the regulations was to protect this natural resource from degradation and we work hard to do just that with education and enforcement.

Shoreline erosion permits have always required review and approval by permit from two agencies – MD Dept of the Environment (MDE) and DNR as the land owner. In July 2008 the MDE began charging fees of \$750.00 per application review and \$750.00 for the approved permit. The Lake Management office is not involved in this fee structure but does make every attempt to inform property owners about these fees when applications for shoreline erosion controls are being sought. Carolyn Mathews explained that vegetated shorelines are highly desirable from a water quality and visual standpoint and those applications do not incur the fees. One permit site at Holy Cross installed a “biolog” last summer for erosion control. It is expected that the shoreline plant seeds will catch and root into the biolog and establish a vegetated shoreline naturally over the coming seasons. Mowing to the edge of the lake is prohibited at this site – grass mowing must stop at least 6 feet back from the shoreline. The property owner encourages others to come view this healthy approach to shoreline erosion control. The property is on the south side of the point of Holy Cross, not too far back into the cove. Applications and approvals for erosion control structures that create structural walls do require the associated fees. The Policy and Review Board members asked that someone from MDE be invited to come to the next board meeting to discuss why DCL property owners should be expected to pay these fees if this is a State owned body of water. Carolyn Mathew will make those arrangements.

The Water Quality Work Group, a diverse and large group of professionals and designees invited and assembled by DNR has met on several occasions to work on a very necessary chapter addition to the Deep Creek Lake Recreation and Land Use Plan. The plan needs to be updated to include a chapter about water quality, water quality monitoring, and stakeholder involvement. Carolyn Mathews will send the minutes of the work group to the Board members.

Development Permit Appealed - The Board was advised by Carolyn Mathews of the recent appeal of the Lake Manager’s decision which granted a development permit to Thousand Acres, Inc. to proceed with the concept of creating a park picnic area, roped swimming area and the placement of a specific number of dock slips along Green Glade for the Thousand Acres, Inc. development. The Office of Administrative Hearing will hear the case sometime this spring. No hearing date has yet been set.

Representative change - Jim Kline, MD Bass Federation representative on the Board advised the members that he is stepping down and will be replaced by Jamie Coyle, a lake property owner, active angler and long time MD Bass Federation member. Mr. Kline reflected for a few minutes on the early days of the Board and stated that he has enjoyed his many years representing the Federation and feels it was time well spent for a good cause. Barry Weinberg spoke on behalf of the Board that they appreciated his contributions and years of service and concluded the comments with a round of applause.

Comments and questions from the audience

1) Lake property owner Barbara Beelar addressed the Board by giving a progress report on the work she has done in creating a “Friends of Deep Creek Lake” which is working for the improvement of water quality in Deep Creek Lake. She had several occasions of algae blooms in the cove near her home which caused her great concern late last summer. She brought those concerns in the way of bottled samples and photographs to the attention of the Board in October. She has applied for a grant of \$35,000.00 from the Center for Watershed Protection. If granted, the monies would be directed on assessments of the tributaries of the lake, mapping of the watersheds and the boundaries of those watersheds. There is a need for baseline data to be gathered into one location so management decisions can be made to improve water quality. She will hear by the end of January if she is successful in being awarded the grant.

She expressed concern that the Board had not responded to her petition in October which demanded an action plan for 2009 if an algae bloom occurs again in any part of the lake. Bob Browning responded that the Board is satisfied with the efforts to date of the Lake Management office and he expects the Work Group to produce some action plan by the spring.

2) Lake property owner Gary Love addressed the Board and shared his concerns about a decision by the Lake Manager concerning his use of the buffer strip and dock placement. He asked the board to review the information he provided to them and intervene with the Lake Manager to allow him to retain what he has used and enjoyed for years. He believes that his property value and that of the other affected parties that share the right of way to the State property will depreciate if the Lake Manager’s decision is upheld. Since one of the other parties involved has already appealed the Lake Manager’s decision to the Secretary of DNR, Barry Weinberg stated that the Board does not make it a practice to get involved in individual situations. Mr. Weinberg stated that the appeal process is the appropriate forum for deciding the issue, not the Policy and Review Board. He recommended that ultimately Mr. Love could make his appeal to the Secretary of the Department of Natural Resources. The Board members will

be interested in the decision made by the Office of Administrative Hearings since there may be similar future problems for others on right-of-ways around the lake.

The next meeting date was set for Monday, April 27th, 2009 at 6 P.M. in the Discovery Center at Deep Creek Lake State Park.

Meeting adjourned at 7:55 PM

Minutes taken by Carolyn Mathews

October 2008

Date: October 13, 2008 at 1800 hrs (6:00 pm)

Place: Deep Creek Lake State Park Discovery Center

Board Members Present: Chairman: John Forman (JF), Jay Kaminek (JK), Steve Green (SG), Barry Weinberg (BW), Bob Browning (BB), Scott Johnson (SJ), George Edwards (GE), Wendell Beitzel (WB)

Quorum Present

Maryland Park Service: Lake Manager Carolyn Mathews (CM), Major Chris Anderson (CA)

Natural Resources Police: Lieutenant Brad Stafford, Sergeant David Marple

Audience: 7 people including Bob and Pam Lunsford (DNR Boating Services)

1) **Call to order** (John Forman-PRB Chairman)

a) Approval of minutes from July 28, 2008 meeting

i) BW: Motion to approve

ii) BB: 2nd Motion to approve

iii) July 28, 2008 meeting minutes approved unanimously

2) **Old Business**

a) Update on Appointments to the Board

i) CM reported she asked the Secretary's office for any updates on the appointment. She was advised that The Appointments Office has DNR's recommendations and an appointment will be made at some point in time.

3) **New Business**

a) Noise levels on the lake-Maryland Boating Act

i) Bob Lunsford reported the proposed Noise Regulations have been posted for public comment. He has received 22 comments- 14 of those by email, 8 by phone. Two were not in favor of the proposal. It has been suggested a noise test be added to regulations. No request has been received to decrease decibel level. December 4, 2008 is the public comment meeting for our area.

ii) Discussion:

1) BW stated problem is the capability to measure decibels.

2) Bob verified it can be done but there are so many variables. It's difficult to provide accurate information that will hold up in court. For instance, there is no standard distance from the vessel to take the reading, and no standard speed at which the reading is recorded. Bob reported 17 or 18 states have either no sound level guidelines, or it is at the officer's discretion. Our regulations state above 90 decibels at idle is a violation.

3) Bob stated a majority of the public commented they expected noise, and only a small number of boats had the horsepower/engine types that create an irritating, loud noise.

b) Proposed lake regulations change

i) CM reported the proposed regulation containing changes regarding Personal Water Craft/number and type of vessels allowed at dockage will be opening up for a public comment period in the near future. This regulation will be specific to Deep Creek Lake. We hope to have it enacted by the 2009 boating season.

ii) Bob Lunsford reported it is not unusual to get 15-20 complaint calls about PWC's on any given weekend.

c) Lake water quality, SAV, sediment

i) CM reported for John Wilson. The working group has had two meetings. They are incorporating USGS field tests as well as other information gleaned from the internet, and will decide where to go with recommendations. CM will send information to PRB members about what we have and what is available. Public information will also be made available. A USGS report, including a map showing sampling locations, was briefly reviewed. Once the USGS analysis is completed, a representative from USGS will visit to discuss their findings. Areas needing attention will be pinpointed and a plan developed.

ii) Barbara Beelar presented a packet of information regarding tributary, cove SAV and algae problems. Included is a resource assessment which could offer manpower and information to form a plan to resolve the issues. Many individuals are working on the problem and possible solutions. It is proposed for tributary strategy teams to monitor water quality, sample pH and water clarity.

iii) BB: Clarity varies day by day. Two pages of a formal report were recently received. Question is do we dredge or leave sediment?

iv) SJ: We have more sediment. Do we want to go out farther to sample?

v) CM: Bathymetry mapping will see where the original lake bottom is and the depths of sediment layers. Studies focused on water quality. Nutrients are coming in from tributaries and causing SAV growth. Nutrients have not been included in the sampling. MDE through the TMDL will study the nutrients. The DNR boat sampled for two days in August. They monitored pH, chlorophyll, and suspended solids. No nutrient tests were done. They are very expensive. \$50,000 was set aside for water quality testing in 2009. This doesn't come close to touching nutrient testing. May use volunteer groups to gather data. Then send for evaluation.

vi) WB: Garrett College did some summer studies. Can we restudy and build from there? GC Health Dept did no sampling for the vegetation problem.

vii) JF: Is there a correlation between the sediment and vegetation problem and the sewage problem?

viii) WB: Barbara's letter indicates the lake is impaired by erosion and sediment. A prior study indicated Deep Creek Lake was in good shape. Some storm water discharge is allowed. Barb Glover thinks pH is improving.

- ix) WB: Most people believe the best storm water management is to get the run-off there (to the lake) as soon as possible.
- x) BB: Sediment collection/containment systems are rarely to never cleaned.
- xi) SG: MDE is cracking down on storm water ponds.
- xii) CM: MDE is now requiring a fee for permit authorizations. A \$750 application fee is required. Once approved a minimum permit fee of \$750 is required.

4) **Correspondence Received**

- i) A letter from Dr. Joe Smith, re: Thousand Acres, will be held for discussion so board members have time to read it.

5) **Public Comments**

- i) Barbara Beelar submitted correspondence in the form of petitions with 59 names urging DNR to take action as soon as possible to "study and remediate the problems we are encountering in the Upper Deep Creek section of the Lake." A major concern being the blue-green algae that recently bloomed in the south end of the lake. Barbara suggested forming an emergency group to determine a course of action to deal with the increased combination of water quality troubles including SAV's, erosion and sediments. Funding is needed for testing and movement towards resolution.
- ii) BB: The other side of the lake has three large plowed fields. Are they contributing nutrients?
- iii) Barbara suggested the State of MD should have purchased a Buffer Strip well into the tributaries in order to more effectively control the sediment and nutrient contributions coming from them. She believes that beavers contribute to the problem, also.
- iv) WB: How does the animal contributions to the problem compare to the human contributions?
- v) Member of public made a statement. He believes the lake is drained earlier, and he can't use his boat after July 4th.
- vi) BW: DNR's water scientist, Walter Butler, has looked at the samples and photos, and thinks this is not good.** Do we believe it's toxic? We don't know. We need to positively identify it in order to form a plan.
- vii) GE: Where do we go? We must set priorities and plan a solution. We must collect, identify, and shuffle funding to target areas. There is a Water Way Improvement Fund which is a dredge funding source for the state. DNR will have to set its priorities and request monies if needed to dredge areas. Funds may be shifted to cover priorities. Problem is getting people to do the testing. Wendell and I can apply pressure to make funding happen.
- viii) Chuck Hoffeditz: We can coordinate with the extension service and other agencies to help with collecting.
- ix) CM: DNR scientists are working on identifying so a plan can be formed.
- x) BW: Can part of this already existing group of 12 focus on the immediate problem on an emergency basis?
- xi) Barbara: Are any homeowners involved in the working group?
- xii) CM: There is one homeowner in the group; as well as soil conservation, MDE, agriculture representatives, and DNR.
- xiii) BB: From a budget point of view, why does it take \$96,000 to run the water treatment plant? Let's discuss that next time.

6) **Next Meeting Date** – January 12, 2009, 6:00 PM, Deep Creek Lake State Park, Discovery Center.

7) **Meeting Adjourned at 1930 hours** - Board member moved to adjourn; Board member 2nd motion. Motion carried – unanimous.

** Special note: The sample sent to the DNR biologist for identification was found to be euglena- a harmless algae not the more serious microcystis.

July 2008

Date: July 28, 2008 at 1800 hrs (6:00 pm)

Place: Deep Creek Lake State Park, Discovery Center

Board Members Present: Chairman: John Forman (JF), Bob Browning (BB), Scott Johnson (SJ), Steve Green (SG), James Kline (JK), Jay Kaminek (JayK), Wendell Beitzel (WB), George Edwards (GE)

Maryland Park Service: Lake Manager: Carolyn Mathews (CM), Major Chris Anderson (CA)

Natural Resources Police: Lieutenant Brad Stafford

Audience: 8 people

Guests: Bob Lunsford – DNR Boating Services

1) **Call to Order** (John Forman – PRB Chairman)

a) Approval of minutes:

i) Corrections:

(1) add BB request for copy of budget for PRB members to review

(2) typo on page 2 change by to be

ii) Unanimous approval of minutes with above changes

2) **Old Business**

a) Update on Appointments to the Board

i) No news. DNR still has not submitted recommendations to the Governor

ii) WB: spoke with Appointments Secretary who was not aware that there was a vacancy

iii) CM: a new governor appointments form came out of her office and that is one reason the process bogged down

iv) WB: Appointment board needs to know there is an opening

v) JF: Eric Schwab is aware there is an opening

vi) WB: DNR needs to inform the Governor

3) **New Business**

a) Boating Services review of statewide vessel noise concerns – Bob Lunsford

i) Citizen of Elk River approached DNR that vessels were exceedingly loud

(1) Petitioned DNR to adopt noise testing standard SAE J 1970

(2) Ad hoc Noise Task Force determined this to be an ineffective tool due to lack of speed and distance standards therefore recommends to the Boat Act Advisory Committee to not adopt SAE J 1970

- (3) Noise is under the Department of Environment article not DNR
- ii) SJ: we are trying to fight the problem with the wrong equipment, law is not addressing noise issues – decibels is not the right way, PA, WV & OH do not allow above water exhaust
- iii) Lunsford: Strong suspicion all inboard motors will have catalytic converters in the next 5 years.
- iv) Lunsford: submits a summary of marine noise laws for all states to CM
- v) Public: Scott's comments are interesting, noise is the problem
- vi) BB: inboards may have mufflers, quickest solution is to outlaw cutouts
- vii) Public: Jennings Randolph COMAR says no cutouts, why not here?
- viii) Public: Noise is going to affect property values, problem needs to be solved
- ix) Public: The PRB has the authority to do what needs to be done; you have to take a step to make it happen.
- x) JF: There have not been many complaints to NRP
- xi) Public: that's because they can't beat the decibels
- xii) CM: Do we need a petition to go to Boating Services to change regulations?
- xiii) BB: people have given up complaining because nothing can be done
- xiv) Public: we don't want to overload NRP about noise when they have other things to do
- xv) CM: Bob Lunsford if PRB requests a regulations change will they need a petition to begin the process?
- xvi) SG: What is the definition of cut out?
- xvii) BB: exhaust out to sides or into props
- xviii) SG: Is that enforceable?
- xix) BB: Disable the switch
- xx) SG: Would no cut outs be enforceable?
- xxi) Lt. Stafford: Depends on how it was written
- xxii) JF: Scott will chair a committee on cut out regulations. Meet and report back at the next meeting
- xxiii) SG: Do we need a committee?
- xxiv) BB: Can we table this so I can report back to the Chamber?
- xxv) Lunsford: The BAAC hearing for the Ad Hoc Noise Task Force is in November, that might be a good time to put this forth
- xxvi) SJ: Can we run this by you before going forward?
- xxvii) Lunsford: That's what I'm here for
- b) Natural Resources Police 2008 Law Enforcement activity on the lake – Lt. Stafford
- i) 8 boating accident in 2008 compared to 19 in 2007
- ii) Reasons: gas prices, poor weather conditions (rainy), and more officers on the lake in 2008
- iii) A boating accident is an injury that needs more than 1st Aid
- (1) 5 wakeboard/tube/ski accidents
- (2) 2 collisions
- (3) 1 PWC incident
- iv) Alcohol: 12 in 2008, 16 in 2007 – 5 arrests in June and 7 arrests July 1-7th
- v) Discussion about NRP helicopter
- (1) BB: is the helicopter part of a grant?
- (2) Lt. Stafford: yes
- (3) WB: Who decides when to fly?
- (4) Lt. Stafford: District Supervisor
- (5) WB: What's the cost to run the helicopter?
- (6) Lt. Stafford: Superintendent okays this use
- (7) BB: there's no way to justify the use of the helicopter
- (8) WB: there are complaints about the use of the helicopter
- (9) Public: What are they looking for?
- (10) Lt. Stafford: Safe operations of vessels
- vi) Discussion of Collision details
- vii) Public: tickets are being given out to PWC's going under 219 bridge
- viii) Lunsford: 100 foot distance is spelled out in their rental agreement
- ix) BB: Renters are made to watch a movie
- x) SG: Cold water may have affected boating accidents, there is no problem with a helicopter over the lake but ask for state police in front of store and I can't get it
- xi) Public: Barbara Beelar: calling NRP is terrible. It's a long distance call, when you get through you get someone who doesn't know Deep Creek Lake, insists on buoy numbers and is confounded by unnamed buoys. 3 hours later you get a call back from NRP. If it needs to be centralized then train the staff to know the water body.
- George Edwards joined the meeting at 7:10PM
- c) Lake Management
- i) Progress report on the regulation changes
- (1) They have been submitted to Annapolis
- (2) No idea of when Comment Period will begin and end
- ii) Conservation Easement requests
- (1) Conservation Easement is something to hold with minimal change
- (2) Stormwater Management, fill, stone, parking lots etc. are not allowed
- (3) BB: basically is the same as the Buffer Strip
- (4) CM: Relaxed variances from the County are allowing building up to the State line without regard to stormwater
- (5) JayK: Does County talk with Lake Management? County road and private road run-off in many areas comes directly into Buffer Strip and into lake
- (6) CM: We have conversations with them and most recently talked about DCL State Park looking into installing porous pavers

and rain gardens in the day use area to absorb the run-off flowing from road culvert pipes

(7) CM: We are finding in some property transfers the deeds are not reflecting Conservation Easement language and this is causing problems with property owners who don't know they have a Conservation Easement.

(8) SG: What is a rain garden?

(9) CM: Works with vegetation to hold water and allow it to filter into the ground

(10) SG: Rocks underneath?

(11) CM: Highly structured underground

(12) WB: I highly suggest and encourage Lake Management to hold the line on the Conservation Easement areas.

4) **Correspondence Received**

a) None

5) **Public Comment**

a) Barbara Beelar: Regarding sedimentation and vegetation over taking the Deep Creek Cove area of lake.

i) There are thick, emergent weed beds and heavy sedimentation in Deep Creek Cove

ii) Can't find the point source of sedimentation but feels the cove is at it's tipping point

iii) Water used to be 7 feet deep now is only 2 feet deep.

iv) Pleased that water quality studies have begun

v) Concerned that taxpayers no longer have recreational use of the lake, they have given up swimming and boating

vi) Asks that in addition to the ongoing study, an immediate Ad Hoc Committee be formed to get specifics of problem

vii) Ski course has been closed because boats can't drive in the cove

viii) Wants a water quality tests done on gray and green scum

ix) SG: Is it different because no one is skiing?

x) Beelar: We need DNR to look at it from a public perspective, accumulation of sediment is allowing vegetation to pop up

xi) CM: MDE is still due to come out this summer, will make sure they take samples, the Resource Assessment Group will also take water samples

xii) Beelar: The bigger management issue is that a body of water with insufficient flow will clog and turn into land or a glade

xiii) BB: Drawdowns kill the vegetation if frozen

xiv) CM: Sediment loads add to the problem

xv) Beelar: The Lake is being held at higher levels.

xvi) JKline: How's the fishing?

xvii) Beelar: You stay outside the weed line. I haven't seen my walleye this summer.

xviii) JF: Thank you for bringing this to our attention.

xix) JKline: The matted vegetation is very good for fish.

6) **Next meeting date** – October 13, 2008, 6 PM, Deep Creek Lake State Park Discovery Center

7) **Meeting Adjourned** at 1955 hours – JKline motion to adjourn; BB 2nd. Unanimous

April 2008

Date: April 28, 2008 at 1800 hrs (6:00 pm)

Place: Deep Creek Lake State Park, Discovery Center

Board Members Present: Chairman: John Forman (JF), Ernie Gregg (EG), Barry Weinberg (BW), Bob Browning (BB), Scott Johnson (SJ), Steve Green (SG), James Kline (JK), Jay Kaminek (JayK), Wendell Beitzel (WB)

Maryland Park Service: Lake Manager: Carolyn Mathews (CM), Major Chris Anderson (CA)

Natural Resources Police: Lieutenant Brad Stafford

Audience: 12 people

Guests: John Wilson - DNR Land Acquisition and Planning

1) **Call to Order** (John Forman – PRB Chairman)

a) Approval of minutes

i) EG: Motion to approve

ii) BB: 2nd Motion to approve

iii) October 29, 2007 meeting minutes approved unanimously

2) **Old Business**

a) Update on Appointments to the Board

i) All Board Member paperwork has been submitted to DNR for routing to the Governor's office.

b) Update on the ongoing water quality study being conducted by USGS

i) Carolyn Mathews read highlights from the USGS report called Assessment of Hydrologic and Water Quality Conditions at Deep Creek Lake Summary of Progress through April 25, 2008 – Report is attached.

ii) Discussion:

(1) BB: What is the criteria for coring?

(2) CM: USGS is still looking at the data collected to make that determination

(3) BB: What about Gravely Run?

(4) JayK: There is old roadbed in that area that would be a good place to core

(5) CM: Will advise USGS of this at next meeting.

(6) Ed King: Is there chemical analysis of the cores?

(7) CM: Yes, especially heavy metals.

c) Progress to date on the regulation change for number of power vessels at the docks (i.e. PWC's)

i) The proposed regulations were submitted to DNR last fall.

- ii) Carolyn Mathews had to attend class to learn how to enter the proposed regulations changes into the electronic system used by the Maryland Register
- iii) The goal is to have the proposed changes posted in July for the 30 day comment period
- iv) After the close of the comment period, if there is no other action needed, it takes two to three weeks to become regulation.
- v) There are no regulation changes for this season and Lake Management is not approving any new PWC ramp requests.

3) **New Business**

- a) New Superintendent and new Deputy Superintendent for the Maryland Park Service
 - i) CA: Nita Settina is the new Superintendent and Chris Bushman is the new Deputy Superintendent
 - ii) CM: Nita is very interested in making sure that there is public access to Deep Creek Lake
 - iii) CA: With the retirement of Dave Baker from DCL State Park, the DCL projects will once again be combined under one manager, Carolyn Mathews
 - iv) BB: How does that affect budget? Shouldn't the PRB look at the budget?
 - v) Discussion regarding funding of Carolyn's position.
- b) Resource Management Plan - John Wilson – DNR
 - i) In 2001 the DNR in cooperation with the PRB developed the Deep Creek Lake Recreation and Land Use Plan – Letter and Proposed Member list attached.
 - (1) The plan is now 7 years old and its major focus is on Recreation
 - (2) New plan (or chapters) will focus on water quality issues and living resources management
 - (3) Will be capturing information from various studies and agencies to coordinate efforts
 - (4) Proposed work group members represent a cross section of scientific disciplines and many are already participating in on-going research projects on the lake.
 - (5) Requests that PRB partner in this endeavor.
 - ii) Discussion:
 - (1) BB: There is no one from Chamber of Commerce on the work group list. How does PRB partner?
 - (2) Wilson: By providing input to drafts of chapters as they are produced
 - (3) SJ: There needs to be a more "lay person" perspective added
 - (4) BW: This will work the same way as the original plan worked. We (PRB) look at drafts and discuss and contribute ideas. The PRB will supply the overarching non-scientific perspective to the project.
 - (5) Wilson: Yes, it'll be a cooperative dialogue
 - (6) BW: The statute that created the PRB mandates it be involved
 - (7) SJ: When do you start?
 - (8) Wilson: As soon as we finalize the letter and group members list.

4) **Correspondence Received**

- a) None

5) **PRB Comments:**

- a) BB: The buoys at the bridges are targets. We need to paint arrows on the bridges.
- i) Bob Lunsford: DNR Boating Services Program Manager – Must keep all waterway markings consistent across the State. As for painting the bridges, SHA and County approvals would be needed.
- ii) CM: Staff will go out and reset the buoys prior to Memorial Day.
- b) WB: Appreciates DNR taking a "No Position" stance on HB605 which would have eliminated revenue sharing between the State and Counties. The revenue sharing equates to 25% of monies collected from State lands. In Garrett County it is about \$1,000,000, 00. The bill was not passed.
- c) WB: Thanks to DNR for getting additional funds for Gypsy Moth spraying in Garrett County.
- 6) **Next meeting date** - July 28, 2008, 6 PM, Deep Creek Lake State Park Discovery Center
- 7) **Meeting Adjourned** at 1905 hours – BB motion to adjourn; SJ 2nd. Unanimous

October 2007

Date: October 29, 2007

Time: 1800 hrs (6:00 pm)

Place: Deep Creek Lake State Park, Discovery Center

Board Members Present: Chairman: John Forman (JF), Ernie Gregg (EG), Barry Weinberg (BW), Bob Browning (BB), Scott Johnson (SJ), Steve Green (SG), James Kline (JK), Lou Battistella (LB), Jay Kaminek (JayK)

Maryland Park Service: Lake Manager: Carolyn Mathews (CM), Major Chris Anderson(CA)

Natural Resources Police: Captain Adrian Baker, Lieutenant Brad Stafford, Sgt. Dave Marple and Sgt. Rick Walbeck

Audience: Approximately 12 people

Guests: Bob Gaudette –Director of DNR Boating Services Bob Lunsford – DNR Liaison to Boat Act Advisory Committee Pam Lunsford – Boating Program Implementation

- 1) Call to Order (John Forman – PRB Chairman)
 - a) Approval of minutes
 - i) LB: Motion to approve
 - ii) BW: made correction to adjournment time
 - iii) BB: 2nd Motion to approve
 - iv) July 23, 2007 meeting minutes approved unanimously
- 2) Old Business
 - a) Update on Appointments to the Board

- i) Bob Gaudette: Bob Lunsford's name has been submitted for vacant seat
- ii) BB: Request for Bob Lunsford's resume to be distributed to PRB members
- iii) CM: Four names of local people have been sent to the Office of the Secretary (DNR) for consideration. One of those four, Dave Demaree, was noted as the recommendation of the PRB.
- b) Update on the submitted regulation change request to remove PWC's from the buffer strip (Carolyn Mathews)
 - i) E-mail went out to PRB and DNR with details of latest draft for regulation changes
 - ii) There were several meetings in Annapolis to clarify the changes
 - iii) CM goes over each point
 - (1) .03 Uses permitted with a Buffer Strip Use Permit
 - (a) 08.08.05.03B(2) – change number of power vessels from three to four and shift to positive language
 - (b) 08.08.05.03B(3) – remove from COMAR entirely
 - (c) 08.08.05.03B(4) – change to 08.08.05.03B(3) and the work three to the word four
 - (2) .06 Development Permits
 - (a) .08.08.05.06D(1)(e) . . . up to 33% of the total slips allocated – this would apply only to permit sites established with a development permit and not for the common dock sites that do not meet the criteria for a Development Permit
 - iv) Discussion ensued regarding number of sites that are not established under Development Permit regulations, how many sites affected by PWC exclusion, how many sites are not 50 feet and what are the density issues.
 - v) Regulation changes are still on track for July 1, 2008
 - vi) SG: Does the public know this is coming?
 - vii) CM: Only through word of mouth
 - viii) BB: Discussion regarding 500 pound enforcement
 - ix) CM: Object is to get PWC's off the buffer strip
 - x) CA: May need to include language to exclude inboard motors on buffer strip
 - xi) BW: Do we need different language to address the enforcement issue? We need to come up with language that would get PWC's off the buffer strip and wrap this up
 - xii) Paul Durham comments on behalf of the Realtors Association
 - (1) Would the restricted type A docks be able to tie up PWC's?
 - (2) Common dock and 1/3 rule
 - (3) Set a reasonable time limit to remove PWC stands
 - (4) Weight limit may be a question of footprint and not weight
 - (5) May need to define the term "slip"
 - xiii) JF: Any other comments?
 - (1) CM to get back to PRB with information about type A dock, common dock and Development Permit exceptions.
 - (2) PWC sub-committee to meet again before Thanksgiving
- 3) New Business
 - a) New DNR Boating Services Unit - Director Bob Gaudette
 - i) Gave brief overview of Boating Administration/Boating Services
 - ii) Discussed what the Boating Services Unit has to offer for PRB and Lake Management
 - (1) Tremendous expertise in planning, technical information and resources, regulatory issues
 - (2) Provide input regarding vessel operation regulations
 - iii) Addressed DNR Secretary Griffin's letter to PRB and BAAC about their roles
 - (1) PRB makes recommendations to DNR Secretary
 - (2) DNR Sec forwards to BAAC for comments
 - (3) DNR Sec consults with Boating Services
 - (4) Ultimate goal is for consistent application of boating laws and regulations across the State
 - (5) Short discussion with PRB members regarding letter
 - iv) Public boating access is a primary mandate for Boating Services Unit
 - (1) Currently exploring opportunities around DCL
 - v) Introduced Bob Lunsford – DNR staff liaison to BAAC
 - (1) Great resource for DCL NRMA
 - (2) Well versed in unique boating situations and crafting regulations to address them
 - b) Lake Water Quality Study (Carolyn Mathews)
 - i) Many things came together at the same time to make this happen
 - (1) Lake Management had already identified the need for baseline scientific data to access a variety of aspects of water quality in DCL
 - (a) DCL NRMA did not have relevant scientific data to provide to Garrett County Comprehensive Plan
 - (b) Increase in requests from permit holders for dredging and other significant alterations to lake bottom
 - (c) Other DNR staff aware of water quality issues and have also recommended data collection
 - (2) USGS who has the expertise to be able to perform both baseline and long term data collection of this type could do it this fall
 - ii) Scope of Work
 - (1) Bathymetric study of lake – used sonar and seismic instruments
 - (2) Sediments - 26 core samples in various coves
 - (a) identify sediment layers
 - (b) rate of fill
 - (c) chemical profile
 - (3) Stream Monitoring
 - (a) Currently 2 streams (Cherry Creek and Poland Run) and with more money add 4 more for a total of 6 streams around lake
 - (b) Year round on-going data collection
 - (c) Sampling for Ph, conductivity, sediments, dissolved O2

(4) Well Sensors

- (a) Does lake level affect the immediate water table around lake?
- iii) Reports and information will be distributed when it is received starting next spring.
- iv) Discussion and questions regarding specifics of data collection techniques

4) Correspondence Received

- a) None

5) PRB Comments

- a) BB: Deep Creek Marina special permit application took entirely too long. One and a half years to tell someone “no” is not the way to do business
- i) CM: The Bulkhead request was unusual and due to the complex nature of the project there were many more environmental concerns and precedent considerations than the “usual” Special Permit applications handled by Lake Management. The application provoked many discussions and ultimately DNR decided not to allow a project of this scale (involved construction of a bulkhead and digging a hole in the lake bottom) to occur on DCL.

6) Public Comments

- a) Ed King: How’s the work on the dam coming?
- i) CM: Fine as far as we know.
- b) SJ: How is the State Park beach project going?
- i) CM: Everything is going according to plan and the public will be able to enjoy a much improved beach next summer.

7) Next meeting date - January 28, 2008, 6 PM, Deep Creek Lake State Park Discovery Center

- 8) Meeting Adjourned at 1920 hours – BB motion to adjourn; BW 2nd. Unanimous