

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Deep Creek Lake Discovery Center

Monday October 29, 2018

In attendance: PRB Board Members: Greg Snook, James Bailey, Delegate Wendell Beitzel, Bob Browning, Senator George Edwards, Commissioner Paul Edwards, Larry Iden, Robert Kelly, Marta Schroyer, Paul Weiler, Jeff White (MDE), DNR staff; Eric Null, Bruce Michael, Julie Bortz, Sgt. James Satterfield.

Action Agenda

Chairman Snook asked for a motion to approve the July 2018 minutes. Mr. Browning made a motion to approve the minutes, Mr. Bailey second the motion. The motion to approve the July 2018 minutes passed unanimously.

OLD BUSINESS

Canada Goose

Chairman Snook asked Mr. Null for an update on the Canada goose control program. Mr. Null stated that he received the information from Park Service Headquarters regarding the Board's request for a molting depredation round up of the geese on Deep Creek Lake. The message stated that the Park Service would like to see quantifiable non lethal efforts applied before it would approve the application to the USFW for a molting round up.

Mr. Kelly stated that the memo stated that the egg oiling and goose hunt had been successful in controlling the goose population, he disagreed with this statement. He also stated that he was upset with the response because he felt it was non responsive.

Chairman Snook asked if there were any other State owned lakes where goose hunts were taking place. Mr. Null stated that no other State owned lake had managed goose hunts. Chairman Snook stated that the hunting effort on Deep Creek Lake has been relatively ineffective and asked Mr. Null what the next step for removing geese. Mr. Null stated that with the official response of Park headquarters that the only step was non lethal deterrent. He also stated that under the former Lake Manager that he developed a program that help permit holder deter geese from their areas of use buy installing aesthetically pleasing systems that geese would not cross.

Mr. Iden asked if the main complaint was goose droppings in yards, Mr. Null stated yes. Mr. Null discussed several options for goose deterrents with the Board.

Chairman Snook asked if DNR kept track of the number of eggs that they oil every year, Mr. Null stated that they kept record of the number of oiled eggs. Mr. Null stated that they oil an average of 80 eggs per year. Chairman Snook asked if the hunt was scheduled for three days, Mr. Null stated it was scheduled for three days.

Mr. Kelly asked if there was a way to organize hunter access to some of the private farms around the lake. Mr. Null stated that this would be a good idea but totally dependent on the land owners permission and the Board would have to work with the local Wildlife and Heritage Service. Mr. Iden asked if there were hunts on private lands would they have to abide by the regular goose seasons. Mr. Null stated that they would have to follow regular seasons, but that private lands could hunt all the goose seasons, where the hunt on the lake can only utilize the three day resident goose season due to weather and recreation densities during the other goose seasons.

Lake Management Budget Update

Chairman Snook asked Mr. Null to provide a report on the Lake Management budget and reserve fund. Mr. Null stated that the handout that was distributed to the Board was provided by the park Service Chief Financial Officer. Mr. Null stated that the FY18 surplus and buy down money were transferred to the FY19 Budget according to the information provided by the CFO.

Chairman Snook asked where the reserve fund amount was located on the spreadsheet and where did the extra \$100k in the budget come from? Mr. Null stated that the extra funds were from the buy down parcels purchased in the recently closed buy down. Delegate Beitzel asked Mr. Null if he had received any permanent personnel, Mr. Null stated that Misty Moon, the office Administrative Specialist was converted to full time, permanent but that he could use another long term contractual employee.

Chairman Snook asked how much money was in the reserve fund. Mr. Null stated that the spreadsheet did not have the specific fund balance. Mr. Browning stated that there needs to be a more concrete way to track the fund. Delegate Beitzel stated that he had accessed the Lake Management budget from 2014 and that there was \$280k that should be in the reserve. He stated that the surplus shown on the spreadsheet is the fund balance. Senator Edwards stated that the simplest question to ask Park Headquarters would be is the \$310k left over from FY18 transferred to FY19. Chairman Snook asked Mr. Null to request Park Headquarters to clarify how the funds transition from year to year.

Wake Boat Update/Minimum Wake Zone Update

Mr. Null stated that the Board had been given the BAAC requirements for a minimum wake zone and the examples of the criteria being used on the existing minimum wake zones on Deep Creek Lake. He stated that using these criteria to review a request will allow the Board to

determine if a request would have a good chance of passing the BAAC. If a request did not follow the BAAC criteria then the BAAC would reject the request. Mr. Null stated that if the Board can review the request according to the BAAC criteria, then the Board could gauge which request meet the criteria. The request that meet the criteria could then be investigated further to determine public support. Mr. Null stated that the BAAC, POA, NRP and Lake Management have reviewed the documents and support the Board to adopt the initial review proposed. He stated that if a request would pass the criteria review that request would then be taken by a PRB sub committee for public input and final determination for its submission to the BAAC.

Chairman Snook asked Mr. Null how would you evaluate the criteria of environmental concern? Mr. Null stated that the BAAC use sedimentation and water quality to evaluate that criteria, but when we look at the historic minimum wake zones in Deep Creek Lake, they all fit that criteria. The existing zones are narrow, no tow zones, in very crowded areas. That being said the existing zones in Deep Creek Lake meet multiple criteria, at least five out of six of the criteria are met by all existing minimum wake zones. Mr. Null stated that if a request did not meet the criteria and was sent to BAAC, the BAAC would not approve the request, therefore the process of the Board vetting the request with the criteria first would prevent most of the request that would be turned down by the BAAC from being set to them. Mr. Weiler asked if there was a minimum of criteria that had to be met. Mr. Null stated that all but one exist minimum wake zone on Deep Creek Lake meets all six criteria, that zone meets four of six. Mr. Null stated that Arrowhead Cove is the exception due to its size and density of commercial and residential traffic.

Mr. Null also stated that the Board keep in mind that a new regulation such as a Minimum Wake Zone will not be approved in an area that already has a restrictive regulation, such as the one hundred feet towing set back. If the request is due to people violating the existing regulation, then it would be an enforcement issue, not a new regulation. Mr. Browning stated that he would take the documents back to the Chamber of Commerce to review and comment. Mr. Null presented the Board with a formal request from Sky Valley HOA for a minimum wake zone. Mr. Null stated that the Board can use this request to apply the criteria review as a pilot for the future review of request. Mr. Null asked the Board members to schedule an appointment with him to review the request if they had any questions.

Mr. Null stated that the POA, NRP and Lake Management are producing a new brochure for the next boating season. This brochure will address towing water sports and the proper courtesy, safety and laws that go with water sports on Deep Creek Lake. Chairman Snook asked if the Board could receive the year end report from NRP for boating violations on Deep Creek Lake, Sgt. Satterfield stated that he would send the report once it was cleared by his Lieutenant.

Mr. Null stated that another interesting finding in the wake boat complaints was during the summer he was noticing that about half of the complaints on wake boats were actually regular, non ballast cursing and ski boats. These boats were new boat (less than five years old), but not wake boats. He stated that while these boats met the size regulation they had a greater

displacement and draft than older boats, therefore producing a larger wake. Mr. Null stated that this was another finding that reinforced the education need for lake boaters. Mr. Null stated that a regulation limiting just “wake boats” would not apply to the new large cursing vessels, therefore many complaints would still occur.

Chairman Snook asked for a motion for the Board to review the criteria for minimum wake zones. Mr. Browning made the motion, Mr. Bailey second the motion, the motion to review the criteria passed unanimously.

Water Quality Monitoring

Chairman Snook asked Bruce Michael for an update on the water quality monitoring program. Mr. Michael stated that this year was a very wet year and that the data was shoeing that. He stated that water quality monitoring continued in the main stem sites and the near shore shallow water sites. The submerged aquatic vegetation survey also continued in 2018. Mr. Michael informed the Board that new this year was a zebra mussel monitoring program funded by Brookfield Renewable and the Deep Creek Lake Watershed Foundation. The program involves water quality sampling to determine if favorable habitat is available for zebra mussels and surveillance to determine if zebra mussels are present in Deep Creek Lake. He stated that they received funding to collect and analyze eDNA samples on Deep Creek Lake. The eDNA samples can detect the presence of invasive spices using genetic material that is within the water column. He also mentioned that the Eyes on the Lake website containing Deep Creek Lake water quality data is now available for the public to access and that water quality surveys, and hydrilla treatments will continue next year.

Mr. Michael announced that the State Lakes Protection and Restoration Fund had been given one million dollars per year for the next three years. He stated that there will be regional open house meetings held to gather public input on lake specific projects that the public would like to see the money awarded to implement. He mentioned that the open house meeting for the Western Region, which is the meeting that will contain Deep Creek Lake will be held November 29th at the New Germany State park Lake House .

Chairman Snook asked how many years of data are needed for the water quality monitoring. Mr. Michael stated that they would like to have at least five years worth of data to properly trend. Mr. Null stated that Mr. Michael and his staff had donated extra continuous monitors to the water quality monitoring project, which will lessen the money spent by Lake Management on future meters.

Commissioners Update

Commissioner Paul Edwards stated that over the last several months the Board of Commissioners have had conversations with various stake holder groups about the proposed dredging project and the need for a sediment remediation plan. Mr. Michael stated that there was

\$250k from the Waterways Improvement Fund set aside to assess sediment problems in Deep Creek Lake and that a sediment remediation plan should be developed using the money. Mr. Michael stated that there had already been a lot of work done on this project from the previous sediment studies and that a meeting will be held with the various stakeholders to generate what further information is needed to remediate sediment in Deep Creek Lake. Mr. Michael recommended that Board write a letter to Secretary Belton supporting the use of the money for the development of the sediment remediation plan. Chairman Snook asked if the Secretary supported this project, Mr. Michael stated that the Secretary did support the project. Chairman Snook asked if the plan be led by the State or the County. Mr. Michael stated that an RFP will be distributed for the plan, since an outside consultant will most likely be building the plan. Chairman Snook asked Mr. Michael if he was requesting a letter of support from the Board. Mr. Michael stated yes and the Chairman opened the topic for discussion among the Board. Mr. Browning supported the idea of the plan. Mr. Michael introduced Jeff White, the MDE member of the PRB.

Delegate Beitzel asked for an update on the County's plans for the \$1.115 million dollars of Waterways Improvement Funds that the County received for dredging Arrowhead Cove. Mr. Michael stated that the WIF money required a 50% project match to be released; therefore the County would be responsible for providing the other half of the funding for the Arrowhead Cove dredging project. Mr. Kelly asked if the entire sediment mitigation plan for the whole lake could be completed for the \$250k allotted. Mr. Michael stated that much of the information that was needed was already obtained in previous sediment studies and that the work group meeting would determine the information that was still needed, therefore \$250k should cover the plan.

Chairman Snook asked for a motion to write a letter of support for the sediment mitigation plan to Secretary Belton. Mr. Weiler made the motion, Mr. Browning second the motion, the Board approved the motion unanimously.

Senator Edwards stated that he and Delegate Beitzel would continue to try to add money to the State Lakes Fund and that they will be looking at the Waterways Improvement Fund criteria to help the fund easier allocate grant awards to lakes.

Jeff White commented that the only update from MDE was the Brookfield permit application has to be submitted by April 1st. Mr. Browning asked how long would it take for the permit to be completely reviewed after submission? Mr. White stated six months was the average review time.

Delegate Beitzel asked the Chairman if Bob Hoffman could address the Board and explain the function of the Deep Creek Lake Watershed Fund. The Chairman allowed Mr. Hoffman to address the Board. Mr. Hoffman stated that the foundation has been in business for two years as strictly a volunteer organization. He stated that the Foundation was formed as part of the Watershed Management Plan, recognizing that neither the State nor County can afford all the

costs in implementing the Watershed Management Plan. He mentioned that the first project that the Foundation tackled was the development of a water budget for the lake that will be used by MDE and Brookfield to assist with water level management. He stated that other projects the Foundation is partnering with are the expansion of water quality monitors on DCL, funding the limestone used in the Cherry Creek doser, and stormwater management.

The Chairman asked if there were any updates from DNR. Mr. Null stated that Mr. Browning asked him how many mooring buoys were on the lake, Mr. Null stated 274. Mr. Null also stated that he had mentioned to the Board that the State Park, POA and Lake Management were developing a stormwater project in the State Park. Mr. Null reported that the project began with the installation of a large rock channel that will prevent a large area of the Buffer Strip and State Park beach area from eroding into the lake. He stated that in spring the channel will be made more aesthetic pleasing with native plantings and that many more installations of stormwater management will be installed in the state park in the next four years. The state park will serve as a demonstration site for permit holders to see examples of permitted activities on the Buffer Strip for stormwater control.

Public Comment

Respectfully Submitted,

Eric Null