

**Deep Creek Lake Policy and Review Board
Regular Quarterly Meeting
Garrett County Health Department
Monday, April 28, 2014**

In Attendance: Chairman Dr. David Myerberg, John Stakem, Barbara Beelar, Patricia Mash, Jerry Iden, Robert Hoffman, Robert Gatto, Delegate Wendell Beitzel, Senator George Edwards, Assistant Secretary Mark Hoffman, Bruce Michael, Eric Null, Major Daryl Anthony, NRP Officer Mark McMillan, Sue Steyer and 19 members of the public.

Meeting was called to order at 6:12 by Chairman Myerberg.

Action Agenda: Approval of minutes from the March 20, 2014 meeting. Barbara Beelar stated that the minutes taken at last meeting were very good. Barbara requested that the revision from the October 28, 2013 meeting (front page) be stricken since on page 2 it states that Hydrilla was found in Deep Creek Lake on September 21, 2013. Also on page 5, first paragraph should state that the 25-35% loss in property value should be for all ten areas not just the four areas described since that is what the Garrett County Report stated. Discussion on the ten areas followed with Chairman Myerberg requesting that the statement be changed to "Ms. Beelar believes that the property value loss should be for all ten areas". A motion was made by Robert Hoffman and seconded by John Stakem to accept these changes.

Old Business:

Watershed Management Plan Update: Chairman Myerberg wanted to bring to the attention of the Board that the Steering Committee voted to submit the draft for the Watershed Management Plan by May 1, 2014. On May 5, 2014 the sub committees will submit their recommendations to the Steering Committee. The Steering Committee will have a two day work session for discussion of the plan on May 20 and 21st 2014. The discussion will be open to the public for discussion and comments. On June 2, 2014, the Steering Committee will meet to finalize the components of the watershed plan. During the entire month of June, the staff will be preparing documents for public review. We have a contract with the Hughs Center to help edit and format the report. During the month of May and June, the County and the DNR, the MOU signers, will look at the goals and strategies proposed by the plan and advise the Steering Committee of any potential issues with the items that the Steering Committee adopts. By the end of July, the document will be released for public review for a time period of 30 days. In August, there will be another public meeting to review the draft watershed plan and make any changes as needed. The finished plan should be made available to the Secretary of DNR and the County Commissioners to adopt sometime in September 2014.

Sub-committee Reports:

Canada Geese: At the last meeting Paul Peditto gave a presentation on the alternatives for Canada Geese control. The Board Members have a power point presentation and email regarding this topic. Paul Peditto was unable to be at this meeting. Dr. Myerberg was able to speak with Mr. Peditto about some of the procedures outlined in

the presentation and e-mail. The egg addling process has already begun, this seems to be a non-controversial process and will lower the numbers of geese over an extended period of time; however, Mr. Peditto stated that addling of the eggs alone, will not deter the migration of more geese into Deep Creek Lake. We will need to consider a more aggressive approach, such as netting when molting and hunting the geese. Mr. Peditto said that it could be possible to manage organized hunts and allow a certain number of birds to be taken during a specific time period in the Deep Creek Lake Area. Mr. Peditto stated that organizing a trapping of the geese during the molting period could not be done this year due to the time and logistical constraints. Trapping has been very difficult in the past because of injunctions from the Humane Society. He prefers not to try this method because of the time and money it takes to legally fight these injunctions. Dr. Myerberg's question to the PRB is, what the PRB would want him to suggest as an acceptable option to Mr. Peditto.

Barbara Beelar reported that a gentleman on Chatterton School Road is in support of hunting. At this time there are sixty geese in his field that are feeding there between trips to the lake. Since it is an agricultural piece of property he wants to obtain a permit to use firearms to control the geese. The geese are a nuisance and the property owner would like to see them disappear. This particular cove is not one where egg addling has been scheduled to be performed. The owner wants support of the PRB for a hunt. The geese seem to be frequenting the corn field because of the food supply. Delegate Beitzel advised that we cannot support something which is unlawful. The property owner would need to get a permit. Barbara pointed out that since it is agricultural property you can get a permit outside of the regular hunting season for the geese. Daryl Anthony stated that we need to support a "legal" method of controlling the geese.

Bob Hoffman noted that in Paul Peditto's email that the time to do this is while the geese are molting which is in June and July. This type of control (netting) tends to draw a lot of attention from the Humane Society. Bob Hoffman also questioned if this would interfere with the Hydrilla eradication project. A more realistic option would be to support hunting after the docks are pulled and safe sites are determined. Department of Natural Resources could then advertise for participants in the controlled hunt. The hunting of the geese seems to be the most effective option in addition to the addling of the eggs. Private property owners should also be encouraged to hunt the geese. Chairman Myerberg requested that this be formed into a motion that could be voted on. No one seemed to be in favor of netting the geese. Ms. Beelar pointed out that the email did not cover contacting the town of Oakland about the geese moving to Broadford Lake when Deep Creek freezes over.

Bob Hoffman made a motion that Paul Peditto consults DNR staff to evaluate potential of hunting geese on Deep Creek Lake. Wendell Beitzel seconded the motion. No oppositions were noted.

Barbara Beelar made a motion requesting that Paul Peditto develop a set of contacts and guidelines for agriculture property owners surrounding the lake and informs them hunting is permissible by permit on their property. Motion was seconded by Bob Hoffman with no oppositions.

Barbara Beelar also made a motion to follow-up with the Town of Oakland to develop a plan for the possibility of lethal control of the geese at Broadford Lake. John Stakem pointed out that the town of Oakland may have issues with this control method. The motion was seconded by Jerry Iden with one opposition from Bob Gatto who wanted to make sure we presented this as something we are asking the Town of Oakland, not telling them, especially with the lethal control of a large number of geese in a small area.

Lake Budget: Chairman Myerberg reported that the sub-committee had a two hour meeting with Assistant Secretary of DNR Mark Hoffman that afternoon. The Assistant Secretary provided a large amount of good information about the budgetary process and how the PRB can be more proactive in that process, as well as, strategic planning. Dr. Myerberg hopes to have a report that can be submitted with the minutes from this meeting. Delegate Beitzel thanked the Secretary for coming out and making all the information available. Delegate Beitzel wanted to emphasize the importance of the 25% of the dock fees going to the county and the importance of the PRB and sub-committee working closely with Eric Null on the budget. Robert Hoffman and Barbara Beelar both agreed that it was a very good meeting and look forward to establishing a good working relationship with Major Anthony and Lake Management. Dr. Myerberg made a motion that the name of the Program sub committee be changed to Budget and Strategic Planning Committee. The motion was seconded by John Stakem. Motion passed with all in favor.

Laws and Regulations Impacting the Deep Creek Lake Watershed:

Progress on Compendium of Laws for the Watershed: Chairman Myerberg reported that he has spent a lot of time working on compiling the laws and regulations affecting the Deep Creek Lake watershed with Debbie Carpenter, John Nelson, and Mike Getty. The document is almost finished and he hopes to have it to the Steering Committee by next week. Dr. Myerberg pointed out that many people have worked on the document including several attorneys from the Attorney General's office. The document will be made available to the public so they can have a reference of the laws governing the lake and watershed. Barbara Beelar asked what the role of the PRB will be with this. Dr. Myerberg stated that the document was presented to the PRB several months ago for comments and received only a couple responses. Dr. Myerberg will send it again to all the PRB members and noted that it is the same document as before. It is however, a draft and should have input from the public as well. After the final draft is complete, it can be updated yearly as the laws and regulations change.

Reasoning on Decision for Dock Slips for Mr. William Walton: Eric Null reported that anytime there is a request for commercial dock slips, an application is submitted. The application is posted for public and PRB review. No decision has been made yet on Mr. Walton's request due to the public comment period still being open. There is 650' of lakefront and Mr. Walton has requested two additional slips. COMAR states that one slip is permitted every 50' unless granted permission by the Department. Exceptions are made for commercial facilities occasionally. Bob Hoffman requested more information due to the fact that Mr. Walton already has three times more than the regulations allow. Eric responded that this is a unique property and that no decision has been made, yet. When the final decision is made, Eric will provide the rationale to the PRB for review. Barbara Beelar questioned the guidelines for the number of slips that are allowed. Eric reported that, yes, there are guidelines and they are different for residential and commercial. The

slips that Mr. Walton currently has are overnight and are used for vacation homes. Eric reported that there are two other properties like this on the lake and they have unique qualities in their history. The application will need to be fairly reviewed. Bob Hoffman asked that if the extra two slips are granted will it be a permanent decision. Eric responded, yes, it would be permanent. Barbara asked if this property is an area of high congestion with a response of. "yes it is." The property is in the McHenry area and is a large rental complex. The owner has had the 46 slips for over twenty years. Delegate Beitzel pointed out that we need to look at the specifications of what the law says and anything new must comply with the law. The Department needs to be specific in following the regulations they have in place. Eric invited anyone who was interested in reviewing this file to come to the Lake Management Office. He will let you compare files from other commercial areas also. There are some quirky things associated with some of these properties. Barbara Beelar agreed with Wendell Beitzel that we need to review the guidelines before making a decision. Eric also agreed that this needs to be done and that some of the regulations in place now need to be updated.

SAV's: Update on Hydrilla

David Myerberg reported that there is a very nice article on the DNR website on Hydrilla. There are some websites showing a map of the Hydrilla on the lake along with a tutorial if anyone wants to read the information. Mr. Bruce Michael was available for any questions concerning the Hydrilla. Mr. Michael reported that the survey crew was currently on the lake initiating the dye study. They will be on the lake for several days. There will be no closures associated with the dye study. Herbicide application will be applied later this summer. Barbara Beelar asked if buoys were put up where the dye was applied. Mr. Michael reported that you may not even be able to see the dye and once again no closures would be necessary. Boaters can still use the lake while the dye study is being done and can watch the natural flow of water if they want.

The second item on Hydrilla was funding of the treatment of Hydrilla. The State reported that this could cost \$330,000.00 to \$340,000.00. The State will cover \$200,000.00 of that cost. There are requests in to the County Commissioners and the Property Owners Association to add to that \$200,000.00. At the present time, the commissioners have stated that they will not be adding money to this project. The POA has not decided yet if they will be contributing to the project. DNR is moving forward with the plan to treat the Southern part of the lake for Hydrilla. Delegate Beitzel wanted a clarification that there is no guarantee that this will rid the lake of Hydrilla. What will be accomplished with this treatment? Bruce Michael reported that the treatment is not an exact science and there are different degrees of success. Surveys will be done to determine where the Hydrilla is located and the size of the hydrilla patches. How much Hydrilla and how much area in the lake is affected will be major factors to treatment success. If the Hydrilla is only in one area, then hopefully, we will be able to confine it to just that particular area. We will be using herbicides that are non toxic to other aquatic organisms and humans. We will use pesticides that will not stop the recreation on the lake. We will also be doing education outreach to help manage any further invasive species entry into Deep Creek Lake. Our success this year will determine future costs and treatments necessary to control the Hydrilla. This will be a continuing process over years to keep it contained. With no treatment, the Hydrilla will spread throughout the lake and have an impact on water quality and habitat. This will have a negative impact of recreation on the lake. Mr. Michael stated

that they are looking for any amount of money to help out with the project. They will continue with the project as planned, hoping to get additional funding. Delegate Beitzel asked if the Hydrilla and other SAV's only go to a certain depth. Mr. Michael responded that Deep Creek Lake has great water quality and the SAV's can grow in 16 feet of water because light can penetrate the clear water. Mr. Michael also stated that water level has no effect on Hydrilla. Mr. Michael stated that since the treatment will be performed all summer, hopefully some funding can be obtained when the new fiscal year arrives. Barbara Beelar pointed out that the PRB may review and recommend to the Secretary of DNR to make more funds available for the treatment of Hydrilla. Since this is a very serious budgetary matter, Ms. Beelar asked that the PRB recommend a resolution that it has been informed by Mr. Michael of the seriousness of the Hydrilla problem and suggest that the Secretary look for and make more funds available for the treatment of this project. The resolution was seconded by Robert Gatto. Senator Edwards stated that we need to look at funding for next year. This is a state owned facility and the county cannot help fund treatments due to other priorities such as schools. This can be something that can be worked into the budget over time. This is something that is important enough to take to the Governor also. It is too late this year to try and work something into this budget, but the next fiscal year starting in July; maybe some funding can be found.

The Governor has the flexibility to move and add money within the budget. It is important to let the Governor, as well as, DNR know that funding is needed in a timely manner so that it has time to go through the regular budgetary process. David Myerberg asked if this should coincide with the Watershed Management Plan. Senator Edwards replied that this is a state agency and maybe it should be divided up among the agencies. Barbara Beelar noted that her concern was that the Hydrilla needs to be addressed now. If \$11.5 million can be found to fund the House of Cards, then surely some can be found for this project. She urges that the secretary find the \$100,000 needed for Deep Creek Lake. If we do not do the treatment right this year, then it will be more expensive next year. Edwards agreed that the Governor does have some flexibility and that some funding is needed. Delegate Beitzel commented that DNR has a great presence in Garrett County and Deep Creek Lake is the #1 industry in the county. DNR has taken a big hit budget wise. It is clear that DNR is going to step forward and address this problem, just be aware that with the increase in funding, they will have to generate revenue to cover the cost. It is the County's lake also and everyone has a lot to gain with taking care of it. Dr. Myerberg wanted to reword the resolution to state: Send a resolution to the Governor and Secretary Gill to fully fund the eradication of Hydrilla and management of the lake as determined by DNR. Dr. Myerberg questioned if it was necessary to do this right now. We need to have a meeting with Eric & Daryl to talk about a strategic plan. It is apparent that DNR is going to do the Hydrilla treatment. There is money now to get the contract moving though finance is a concern. Assistant Secretary Hoffman stated that they will go forward with the treatment and outreach programs. Dr. Myerberg stated then we do not need to ask them to do something, they are already doing. Barbara Beelar was still unclear as to what will happen if we cannot acquire the \$130,000.00. Mr. Michael assured that they would move forward with the recommendations of the expert panel on the treatment of the lake, because if not, Hydrilla will have a dramatic effect on the lake. It is everyone's responsibility including the POA, DNR and PRB to assist with this. It is not clear what the price tag of this is going to be in the future. It was decided by Barbara Beelar and Robert Gatto to withdraw the resolution.

Sedimentation Study: Barbara Beelar stated the 221 page document needs to be broken down so it can be looked at in smaller segments. There are 40 pages of photographs and that there are ways of breaking it up so that it is more readable. It is currently on the NRMA website. It is posted on the DNR website also. The expectation going into the study was that there were ten coves impacted with sediment. This study has provided us with a baseline for the lake. We need to contact owners to assist with the sediment control. We need to organize the ten coves and put together a management plan along with a cost analysis for them. Six of those coves would become priority coves. The next phase would be to study tributary sediment input. Green Glade Cove has aquatic debris that has accumulated, this is a specific problem area and options have not been investigated for dealing with the situation. Overall Ms. Beelar is concerned with the idea of not dredging the lake.

Chairman Myerberg did not ask for a motion to extend the meeting after 8:00 pm since it was started late.

Update from County Commissioners:

Bob Gatto reported that they were working on the budget and as of now the tax rate will remain at .99 cents. You will be seeing a lot of activity from the County Roads Department with debris removal and preparation for line painting. They are working with the Department of Health on water issues. As the September 2014 event gets closer, discussions will begin in July. Commissioner Gatto asked for any questions with his report. No questions were asked.

New Business: Barbara Beelar stated that we need to operate in a transparent manner and part of that would be to post the meeting minutes on the website. The March 20, 2014 meeting was not posted on the website. Ms. Beelar commented that it is very important that we keep up with the public notices. The meeting minutes need to be made available since we have been posting them since 2007. The other issue is that since the meetings are quarterly that it is a long time that the minutes are approved for the next meeting. She would like to see the Draft minutes circulation sooner and get them on the website. She would like to see the PowerPoint presentations attached with the minutes. The power points are always mentioned in past minutes, but not attached so you never know what they area talking about. Senator Edwards agreed that the draft should be sent out to everyone but still vote on at the next meeting. The draft can be posted though pending any changes. It was agreed that the draft would go out to the board members to check and then be posted. No other new business was brought forward.

Correspondence Received by DNR: None

Public Comments: Richard Matlick was first on the list. Richard's comments had to do with the sediment study. He stated that the PRB needs to review and evaluate the study. They need to take a look at the cost verses benefits. Why do they use only a three month window? If you take a look at the cost vs. benefits you get completely different results. Dredging needs to be done, doing no dredging is the worst option they can take. The contractor did not understand this when he did his cost vs. benefit in the three month window. The sediment in coves, especially in the southern coves is coming from the SAV's. We also need to look at the impact of low water levels in August. The shallow

coves of 10' and less of water used to have 12'. Whenever you draw down the water the SAV's come close to the surface and the boats cut and then the wind carries it to the southern coves. This is where most of the sediment is coming from; at the same time this causes a lot of unhealthy surface water which impacts the use of the lake. Richard finished by asking the PRB to take a look at the analysis and try to come up with a solution.

Michael Bell was second public comment speaker. Michael stated that he has owned property here for 35 years and has had a business for 14 years. He wanted to thank the PRB and the representatives in Annapolis for all they do to protect the quality of the lake. This is necessary for our success, but it is not sufficient. His business declined from the year 2007 to 2010 and has basically been flat since then. At the same time that income has been reduced there has been an annual increase in the property tax. Every year the Commissioners have had to deal with the shortfalls and it has been the property owners that have had to make up the shortfall. Mr. Bell asked the Commissioner if the tax rate will stay the same because of the 20 to 25% drop in property values. This has created a 4 million shortfall because of the lost revenue. Revenue has increased by only 9% while the property tax has increased by 40%. Mr. Bell wanted to get a confirmation that the tax rate would not increase this year.

Corporal McMillan of NRP. He did not have any comments for the group.

Ellen Williams was next; she wanted to express concern about the sediment study. She had an article on sediment study that was passed out to the board and public. The article stated that dredging was very safe for the environment. She also stated that dredging can be a very useful tool in managing the sediment and SAV's.

Next PRB Meeting is scheduled for July 28, 2014 at 6:00 pm. Location will be the Garrett County Health Department. Senator Edwards asked if the meeting could be moved to a more central location like the college. Dr. Myerberg asked everyone to watch notices and if we can schedule the college it will be moved to that location. Meeting was adjourned at 8:15 pm motion made by John Stakem and seconded by Bob Hoffman.