

Minutes of the Deep Creek Lake Watershed Management Plan Steering Committee (SC)
May 5, 2014

Held at the Garrett County Health Department, Room 107
1025 Memorial Drive, Oakland, MD, 21550

Members of the Steering Committee (SC) present were:

David Myerberg, Chair,
Pete Versteegen, vice chair,
Steve Green,
Bob Browning,
Bob Hoffmann,
Lulu Gonella, and
John Forman.

Staff to the SC participating were Catherine Shanks and Christine Conn of MD DNR,
Deborah Carpenter of Garrett County and
Mike Bilek of the Hughes Center for Agro-ecology, U. of M.

Welcome, introductory remarks, the approval of the April 7, 2014, minutes

SC Chair David Myerberg called the eighth meeting of the SC to order shortly after 12:00. He began by asking if there were any corrections or additions to the minutes from the April 7th meeting. No changes were noted and **David asked for a motion to approve, moved by Bob Browning and seconded by Lulu Gonella. The minutes were unanimously approved.**

The Vision Statement

David thanked the SC members for the great email discussion regarding the five versions of the DCLWMP Vision Statement. He asked for comments from the SC about their favorite, and Lulu began by indicating statement #4, followed by John Forman, Bob Browning and Bob Hoffmann. Some discussion ensued around the use of the word 'restore', also the phrase 'government financing'. The Executive Committee discussion regarding including 'Lake' was mentioned, and it was noted that it is called 'Deep Creek Watershed' in the (county's) Comprehensive Plan, and areas beyond the dam are included. The state considers Deep Creek Watershed to include downstream to the Yough River confluence. **Bob Browning motioned to leave the word 'lake' out of the vision statement #4 presently under consideration, Pete Versteegen seconded the motion and it was unanimously approved.**

Discussion regarding 'restore' continued, noting that restoration work needs to be done on streams if DNR is right. "Restore to what it was originally?" Or restore it but to what point in the past? It was noted that by keeping it in, this would include the stabilization of the shoreline. Also the interpretation of 'restore' was mentioned. Webster defines restore as to bring back. The five versions were again reviewed and a new draft version emerged from the best parts of versions #1, #2, and #4 and follows:

VISION STATEMENT: Through partnerships with private land owners and government agencies, the Deep Creek Watershed will retain and improve its environmental

stability, rural landscapes, natural beauty and economic viability, so that, for generations to come, local citizens and visitors have a great place to live, work and recreate.

The SC members suggested voting on the new vision statement now, and **a motion was made by Bob Browning to approve the new vision statement. The motion was seconded by John Forman, and Pete Versteegen, and was unanimously approved.**

The First Review of Subcommittee Recommendations

David stated that for the next exercise, he wants the highlights of the subcommittee work covered, as well as the goals and objectives that actually lead to getting work done. He asked the Accountability subcommittee to begin.

1. Accountability

Lulu Gonella began with a recap of how the subcommittee approached the task with researching the Management Plans for many of the lakes throughout the country. Governance structures for lakes and reservoirs were also researched and reviewed. Critical elements of these structures that would be necessary for DCL, e.g. financing, were considered. Several options were developed, from a 'do nothing' to a structure with significant components.

Discussions to find a structure that would be politically acceptable resulted in the subcommittee deciding that a cooperative agreement must be a component of the process to establish the partnership, roles and accountability structure. The structure would include a hierarchy for reporting and responsibility along with several subcommittees to cover key areas of interest including technical issues, citizen input and financing. The Management Board, for example should be comprised of senior level decision makers as well as 'do-ers' from state and county government, for example, the signers of the MOU. The subcommittee also recommends the program be staffed with an Executive Director located in the watershed, as well as others to carry out the coordination and other roles assigned to the Program office. A Technical committee is envisioned as a professionally staffed body, getting the day-to-day work done. A Citizen Advisory Board with subcommittees such as Financing would also exist. Funding would be a combination of private and public, with an NGO arm for private fundraising.

Questions and comments followed. Catherine Shanks indicated that this model is closely related to both the Baltimore Watershed Agreement and the Coastal Bays Program designs. David added that there are websites for both of these organizations and invited those interested to take a look. The signers of the MOU include MDE, DNR, and the County commissioners. It was suggested that the residents of the county do not need or want more regulation or control. The composition of the management committee is an issue too, having all bureaucrats is a worry. The frequency of the meetings is a concern. David closed by indicating that the recommendation is still open for discussion at the upcoming meeting.

2. Water Quality

In Willie Lantz's absence, Christine Conn reported on the work of the Water Quality subcommittee indicating that their work focused on three key areas, lake and stream water quality, submerged aquatic vegetation (SAV), and erosion and sediment control. The group invited presenters to the meetings and followed up with questions and answers.

The first problem statement raised concern over the worsening of water quality from multiple sources. A goal and six objectives were developed each with several implementation strategies.

The draft Goal #1 is to protect, maintain and/or improve water quality parameters in the lake and watershed, to maintain and improve Deep Creek Lake at the mesotrophic level and to maximize the capacity of the Deep Creek Lake watershed to support recreational uses and healthy aquatic and terrestrial lining resources and habitats.

The Objectives are as follows:

- Improve our understanding of the sources of nitrogen, phosphorus and sediment inputs to streams and the lake in order to prioritize where conservation, restoration and management activities will be most effective;
- Continue regular monitoring of the Deep Creek Lake Watershed (lake and stream water quality) to inform lake and watershed conservation, restoration and management actions;
- Maximize the beneficial water quality, air quality, habitat and economic services provided by forests through conservation, restoration and management efforts;
- Maintain agricultural land use within the watershed and ensure that best practices are deployed to minimize, mitigate and reduce the impacts of nutrient and sediment inputs to the lake;
- Minimize fertilizers and pesticide inputs to the lake and its streams from lawn care practices;
- Manage concerns over additional nonpoint and point sources of pollution to Deep Creek Lake and its streams, including those associated with geese populations.

The second problem statement considered was in response to concerns over SAV. A goal and three objectives were developed each with several implementation strategies. The draft Goal #2 is to manage SAV in Deep Creek Lake to maintain and improve the ecological stability of the lake, as well as reduce and minimize the interference of SAV with recreational uses of the lake.

The objectives are as follows:

- Continue the existing Deep Creek Lake Watershed Monitoring Plan (DCLWMP) monitoring plan and develop a long term monitoring plan to track changes in SAV species composition, abundance and distribution to inform native and non-native SAV management plans;
- Manage the SAV communities in the lake that affect recreational uses such as boating and swimming to minimize interference with public recreation;
- Control existing populations of established invasive SAV species communities using best management practices and prevent future introductions of harmful non-native species of SAV.

The third problem statement considered erosion and sediment. A goal and four objectives were developed each with several implementation strategies. The draft Goal #3 is to prevent erosion and sedimentation to the greatest extent possible to protect the water resources of the watershed from increased sediment loading and associated water quality problems.

The objectives are as follows:

- Identify the causes and mechanisms of erosion and sources of sediment that operate within the Deep Creek Lake watershed, including the movement of sediment in the lake itself;
- Develop an Erosion and Sediment Control Implementation Plan;
- Revise, streamline and Incentivise lake shoreline protection measures;
- Make the coves navigable for existing and future boat docks/slips. Include considerations for moving and/or extended docking facilities and dredging to the original lake bottom

contours.

There was no substantive discussion following Dr. Conn's presentation.

3. Impacts of Growth

Steve Green walked the SC through the subcommittee report, indicating the group had developed a statement of purpose: *Ensure that growth is managed in order to strike a balance between development and environmental health.*

The subcommittee divided the areas of concern into four broad topic areas – land use, stormwater, septics and sewerage and recreation. The land use discussion netted a goal to promote policies that ensure environmental sustainability and economic viability with several objectives:

- Strengthen the current site design and architectural review standards applied to commercial development within the watershed;
- Encourage the viability of traditional waterfront businesses;
- Uphold the current policy of prohibiting industrial wind turbines within the DCL watershed as stated in the DC watershed zoning ordinance;
- No shale gas drilling wellheads should be allowed within the Deep Creek watershed.

The stormwater discussion produced a goal to manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions. Three objectives follow:

- Develop an incremental plan to identify existing stormwater problems at a sub watershed level and create an action plan for addressing issues and educating residents on best management practices (BMP's);
- Design and implement a Stormwater BMP Incentive Program;
- The use of stormwater best management practices will be made a priority for maintenance and legacy infrastructure whenever practicable for both state and county roads operations.

The septic and sewerage meeting produced a goal to protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity and management of public systems. Two objectives follow:

- Encourage the use of Best Available Technology (BAT) septic systems within Deep Creek Watershed;
- Encourage expansion of public sewer as outlined in the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system such that it complies with best available technology or best management practices as appropriate, to include relevant training.

The meeting concerning the topic of recreation produced a goal to preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship. Three objectives follow:

- DNR and MDE should eliminate fees for shoreline erosion permits and consider incentive programs;
- The DNR Lake Management Office should upgrade their permitting and boating count databases;

- The DNR Lake Management Office should identify and promote current and future public access locations.

Questions and discussion followed. Shale drilling and wellhead location were discussed including the visual impact of a drill rig. A suggestion was made to consider incentivising Ag and Forestry in the watershed to keep the property intact.

4. Lake Levels

Bob Hoffmann, co chair of the subcommittee began by explaining the majority and minority positions offered in the recommendations, stating that this results from strongly held beliefs by the subcommittee members.

The first recommendation is for a water budget. Most significant in this proposal is to create a predictive water budget model, and that while much work has been done by subcommittee members, an independent consultant with a proven track record in this kind of work must be used, considering the users of the lake waters and their needs, while conserving lake levels as much as possible. Members of the subcommittee believe that a predictive model is the key to the desired improvement, but no one is sure what the results will net. While the minority position on the water budget issue states that the lower rule band is the “water budget”, violations of the lower rule band are acceptable for certain whitewater releases and for temperature enhancement releases (TER’s) and are written into the current MDE permit. These violations of the lower rule band serve to benefit the very groups that comprise the minority position, that oppose trying to improve this process. Discussion about this point resulted in the suggestion to put more teeth into the proposal, be more clear about what is intended to be accomplished, for example, how does one prioritize who gets the water first.

The second recommendation has to do with the temperature enhancement release protocol and again while much work has been done by members of the subcommittee, an independent contractor or consultant with a proven track record in successfully developing these types of protocols should be hired. Co chair Bob Browning offered that Versar has developed the existing protocol now in use, and Versar has admitted that some changes might be in order regarding the location of the temperature monitoring equipment and the need for more local cloud cover data. Also Versar is paid by the state. This is why an independent environmental engineering firm is needed to take a fresh look at this.

Catherine Shanks noted that nowhere in the subcommittee report does it mention working with either MDE or DNR on this effort, and Bob Hoffmann responded that working with MDE and DNR is understood.

The Steering Committee Special Session May 20th and 21st

Catherine Shanks provided a quick overview of what has been planned thus far on this two-day special work session. It will take place from 1 to 5 pm on the 20th and from 8 am to 3 pm on the 21st, at the Garrett College Continuing Education building in room 205. The Executive Team is still working out the details and will meet later this week to finalize the work plan. In addition to the work, we will also have a potluck social Tuesday evening for dinner. Again more details will be forthcoming about this and meal plans for Wednesday. SC members are asked to email the Executive Committee with ideas they have about this special session.

Public Comments

Chuck Hoffeditz stated that there is a very severe need to get information about the SC work out to the public. While DNR does an email blast, there are about 170 people on that email list. Put something in the newspapers. Use the Republican and the Cumberland Times. There will be a public comment period in July. There's been a lot of work done, and people don't know about it. The SC should do better. Put something in the newspaper.

Ken Fisher spoke next and endorsed what Chuck had said. He added that he has given the (DNR) web address to 50 people and most can't get into the webpage, and it's too hard to get to. He recommends following draft goal number 2, to nurture an informed citizenry. Also, 30 to 35 % of Garrett county citizens do not have access to the internet. Publish the goals in the newspapers. Publish and distribute the goals and objectives. Use the county website, use KHJ radio; maybe the chair or someone could be interviewed. People don't know because they do not look. The SC really needs to update the progress made thus far.

Barbara Beelar agreed with the previous two speakers. She added that the SC has come to a reporting point. The SC is pulling the subcommittee work together. The SC voted today on the vision statement. Publicize this. Publish the Goals and Objectives. And on behalf of all the subcommittee folks who have put in hundreds of hours of work, people don't know what the other subcommittees are recommending; so send all four subcommittee documents to all of the subcommittee members. Barbara stated that she personally does not know what is going on in the other subcommittees, and most people do not unless they have attended the subcommittee meetings.

Richard Matlick spoke next. He stated that he has seen lots of smart people on the subcommittees and at the POA and the PRB meetings. Often, he sees the same faces. He senses the frustration of the leaders, and wants to say THANKS to the leaders for the energy to keep it all going.

As for the Accountability subcommittee, the recommendation needs teeth. He feels that we cannot depend on MDE or DNR to do what is needed. The hundreds of citizens of the watershed need to make sure that the recommendations have teeth.

Morgan France spoke last and stated that he has two comments:

- ~ Sediment in the lake is from shoreline erosion not from sediment transport from the streams;
- ~ Fracking is the breaking of the strata and could impact the ground water. If a drilling accident happens, fracking might damage the water in the lake, and this would have an economic impact on the entire county.

David reminded everyone of the next meeting on May 20th at 1 p.m., and asked for **a motion to adjourn. Bob Browning motioned, Bob Hoffmann seconded**, and the meeting closed.