

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Deep Creek Lake Discovery Center

Monday April 24, 2017

In attendance: PRB Board Members; Greg Snook, James Bailey, Bob Browning, Sen. George Edwards, Bob Hoffman, Larry Iden, Robert Kelly, Delegate Wendell Beitzel, Marta Schroyer, Paul Edwards, DNR staff; Eric Null, Bruce Michael, Julie Bortz, Seth Metheny

Chairman Snook asked for a motion to approve the minutes from the October 2016 meeting, since the January 2017 meeting was cancelled due to heavy snowfall. Mr. Browning made the motion to accept the October 2016 minutes, Mr. Hoffman second the motion. All members were in favor, the October 2016 minutes were approved with no changes.

OLD BUSINESS

Canada Goose Hunt

Chairman Snook asked Mr. Null for an update on the Canada Goose Program. Mr. Null responded that Wildlife and Heritage Division are continuing to oil goose eggs this year. The board and public were asked to report any nests to the Lake Management Office. Mr. Null stated that Wildlife and Heritage are looking into areas around DCL to have managed hunts as well as continuing the previous hunting on DCL and Broadford Lake.

Mr. Snook asked if the hunt dates are advertised, Mr. Null stated that the hunts are advertised on the Wildlife and Heritage website. Mr. Browning stated that he heard that the hunt was successful; Mr. Null stated that the official numbers had not come out yet but that he knew of 16 geese that were harvested from DCL and that the majority of the hunters stated that they were pleased with the hunt.

Mr. Browning asked if there were any way to know how many geese were harvested from private land around the lake. Mr. Null stated that he did not have any numbers of private land hunts from around DCL.

Mr. Iden asked if it would be possible for Wildlife and Heritage to rocket net the geese like they do for turkey. Mr. Null stated that he did not know but he would inquire with Wildlife and Heritage about the concept.

Lake Management Budget Update

Mr. Null stated that the members had several sheets in their packets that showed the total Lake Management budget for FY2017. Mr. Null had highlighted and penned in some of the major expenditures that the office has in FY 2017. Mr. Snook stated that from the \$880k allotted in the Lake Management Budget \$185k was uncommitted. Mr. Null stated the \$185k was not committed to projects but that was the money that is used to cover utilities, vessel maintenance, building maintenance, supplies, etc... Mr. Null also stated that this \$185k goes very fast and that any remaining money will be deposited directly into the Lake Management Reserve Fund. Mr. Null stated he would like to put more into the reserve fund but usually there is only \$25-40k left over to deposit into the reserve fund.

Ms. Schroyer asked if there was any money presently in the reserve fund. Mr. Null stated that there was approximately \$50k in the reserve fund. Mr. Kelly asked "What are some of the large unforeseen expenditures that the office can have?" Mr. Null stated that a good example of one is the purchase of navigational buoys for the lake, in a bad year we will have to replace many of them. Mr. Null stated that an order of buoys can cost between \$3-5k. Mr. Null also stated that vehicle repairs and vessel repairs to the aging fleet are other large unforeseen costs.

Mr. Snook asked if the amount of money that is given to the county is formula based. Mr. Null replied "yes". Senator Edwards stated that 25% of the total fees collected at Lake Management are given to the county.

Mr. Snook asked what will be the total budget for FY2018. Mr. Null stated it will be about the same as FY2017 \$880-\$900k. Delegate Beitzel asked Mr. Null if he could supply the board with the final expenditures for FY2017 at the July Board Meeting. Mr. Null stated that he would bring that information to the July meeting.

DCL Cove Names Map

Mr. Snook asked the board if they had any comments on the cove map located in their packet. Senator Edwards suggested that the roads around the coves be on the map. Mr. Null stated that that layer was being developed along with several other layers. Mr. Hoffman asked when the map is finalized where it will appear. Mr. Null stated that it would appear on the DCL NRMA web site. Mr. Snook stated that it would also be shared with the county and will be a working document, so as things change the document will be updated.

Mr. Browning asked if this was a cove map only. Mr. Null stated it is mainly a cove map but then introduced Seth Metheny the new Natural Resource Planner II for the Lake Management Office. Mr. Null stated that Mr. Metheny is currently working on a multilayered map that will contain everything from property markers to DCL bathymetry. Mr. Hoffman stated that the map is a good idea since it will give everyone a common language when talking about the lake.

Mr. Snook asked for a motion to adopt the map as a working document that will be updated when necessary. Mr. Browning made the motion, Mr. Bailey second. All members were in favor, the motion passed unanimously.

Wake Boat Discussion

Chairman Snook introduced Ms. Karen Myers, a DCL business woman that assembled a presentation on wake boats. Ms. Myers stated that she contacted the Water Sports Industry Association looking for information on wake boats and wake boat operation. She spoke to a gentleman by the name of Larry Meddock. Ms. Myers stated that Mr. Meddock believes that the problem with wake boats is rude or discourteous captains. Mr. Meddock stated to Ms. Myers that the industry recognizes that these discourteous captains can cause disruption of all water sports and therefore, the industry is assembling an education program to try to lessen the impacts of rude operators. Ms. Myers stated the program will contain three videos, fact sheets, signage, and hang tags. The videos can be streamed in the marina showrooms and dealers can hand out the educational pamphlets to prospective buyers.

Ms. Myers stated that there were three lessons that were published by the industry. One; stay at least 150 feet away from shore and other structures. Ms. Myers stated that Deep Creek Marina will be advising at least 250 feet from shore and structures. Two; Turn the music on the boat down, and three minimize repetitive passes on one portion of shoreline. Ms. Myers stated that if the board wanted Mr. Meddock to give a presentation at the July meeting that they would have to book him quickly.

Ms. Myers stated that Mr. Meddock informed her that the further that the wake boat is from shore and the deeper water that they are surfing in results in a much smaller wake that impacts the shoreline. Ms. Myers stated that the state law for wake surfing is 200 feet from a fixed object. Mr. Snook asked how many of the coves in DCL are too narrow for legal wake surfing? Mr. Null stated that many of the small coves were too narrow to legally wake surf. Mr. Nichols stated that wake surfing is 200 feet from a fixed object while skiing is 100 feet from shore. Mr. Metheny stated that he could add a layer to the cove map that would depict the 200ft and 100ft contour and illustrate which coves are too narrow to wake surf or ski.

Mr. Kelly expressed concern over the amount of shoreline erosion that is caused by the vessels operating too close to shore. Mr. Kelly reiterated that a cost share program for shoreline erosion control is necessary.

Mr. Hoffman stated that he appreciates the work that Deep Creek Marina and others are doing to educate boat buyers on the proper operation of wake vessels but that the education effort must expand. Mr. Nichols stated that despite the efforts you can not teach common sense. He asked that the PRB and POA reach out to the community and educate property owners about the regulations and courteous operation of their vessels. Ms. Myers stated that most of the property owners that have wake boats, that their boats are still in storage and when they pick up their

boats would be the time to educate them on the proper operating rules. Mr. Nichols asked for more citations to be written by NRP for these infractions.

Mr. Hoffman asked if marina owners encourages wake boat operators to empty their ballast while moving? Mr. Nichols stated yes and no because while it saves on gas it also makes a rougher ride since the boat is much lighter in the bow than other vessels. Mr. Snook asked Mr. Null if the information of the narrow coves would be available for the next board meeting. Mr. Null stated that the information will be available.

Mr. Ed King stated that, if he were fifty years younger he would own a wake boat but if educating the public does not alleviate the problem, then you can not favor one sport at the cost of shoreline erosion, safety, and the inconvenience of other boats. Mr. King did not advocate for regulations to fix the problems, instead he offered several suggestions. Mr. King stated that we try the education plan but have a set time period to monitor the effectiveness of the plan and keep a log of the complaints against wake boats.

Mr. Browning asked Mr. Null if he could separate any complaints that his office receives based on type of vessel. Mr. Null stated that they could separate them but the complaints that the NRP receive will not be separated. Mr. Snook stated that since this topic has so much attention that an update on the complaints is warranted at every meeting.

Mr. Null agreed to track the complaints that he receives and work with NRP to assess their complaints. He also will be tracking locations with the release of the cove map.

Mr. Nichols again encouraged NRP to write more tickets for the violations involving wake boats so the word is spread that negligent operation will not be tolerated. He also stated the identification of the coves where it is too narrow to wake surf would help NRP target the negligent operators. Mr. Nichols stated that he will educate his customers and Ms. Myers confirmed that Deep Creek Marina will be educating their customers also.

Mr. Bob Sutton stated that the regulations only cover wake surfing not wake boarding and that the same boats and operation are used for both activities. He suggested that both be combined under that same regulation as they are in other states.

County Commissioner Update

Commissioner Paul Edwards informed that board that the will be a letter sent out from MES shortly with information about dredging. Mr. Gary Aronhalt stated that the administrative council for DCL has been formed and their web site is operational. He also informed that board that Sky Valley has submitted a grant application for storm water remediation within the HOA.

DNR Correspondence

Mr. Bruce Michael gave an update on the various water quality monitoring projects that DNR are performing on the lake. He stated that Julie Bortz has been the biologist that has been working with SAV for the last two years at DCL and now she is serving as the liaison to the administrative council and Garrett County. He stated that the letter informing all of the property owners about the hydrilla treatments will be sent soon. He also stated that the hydrilla treatment has been very effective and that this year intense surveys will be conducted to determine if the treatments can be scaled back to targeted areas.

Mr. Michael stated that the water quality monitoring program has shifted from the deep water areas of the lake to the shallow coves to assess and develop baseline data on the chemical and biological processes occurring in the near shore areas. He also stated that House Bill 860 required that all the state lakes be surveyed for invasive species and that RAS has completed the initial surveys of the 16 state lakes without any additional funding.

Senator George Edwards gave and update on this years general assembly. He stated that the state lakes bill passed and that now they have to find funding for the state lakes protection fund. He also stated that a pilot program for helping the county was passed that requires that the state pay the counties a fee for the acreage of state owned land within the county. This does not affect DCL since its county contributions are in a separate piece of law.

Delegate Beitzel stated that a law passed that will allow Sunday alcohol sales at 10:00am and it removed the requirement that you must sell food to sell alcohol. He also commended FoDCL on their work to pass House Bill 477, the State Lake Protection Fund.

NEW BUSINESS

Dam Safety

Chairman Snook stated that a letter received by Mr. Lindsay Williams was asking about the safety of the earthen spillway of DCL due to the California Spillway failure that occurred earlier this year. The letter was answered very well by the engineer in charge of the Maryland Dam Safety Division.

Water Quality Monitoring

Chairman Snook asked Mr. Null for a brief update of the changes to the water quality monitoring program at DCL. Mr. Null stated that four of the original mainstem sites will continue to be monitored as reference sites, but the bulk of the sampling will now occur in the shallow coves. He stated that over the next five years that DNR will be intensively studying the chemical and biological interactions of the shallow water areas. He stated that continuous monitoring equipment will be used to increase the number of samples and reduce the time of sampling. This change is been undertaken because there is very little data within the shallow water areas.

Ms. Julie Bortz stated that the new equipment that will be used has been utilized in the bay for the last fifteen years and that these monitors will measure chemical parameters every fifteen minutes. She stated that the devices will measure conductivity, pH, temperature, turbidity, and chlorophyll.

Mr. Null stated that when installed these meters will be marked and be able to measure storm events, effects of boating pressure, runoff, and other events that occur on DCL. Mr. Kelly asked if DNR is going to monitor where sediment that enters the lake is originating. Mr. Null replied that these meters will measure the turbidity which will give us an idea of the amount of sediment entering the coves.

Ms. Myers asked if the meters were wireless and real-time. Mr. Michael stated that the data must be manually downloaded because real-time telemetry is very expensive and maintenance intensive. Mr. Browning asked Mr. Michael when he would be giving a report on the new data. Mr. Michael stated that a report would be available in the fall. Mr. Browning also asked if the original sampling points would be maintained. Mr. Null stated that four of the original sites would be maintained for comparison and trending data.

Mr. Iden asked if the meters would be protected. Mr. Null stated that the meters would be housed in a protective case and anchored to the bottom below the surface enough to avoid boat strikes.

Delegate Beitzel gave an update on the Western Conveyance sewer line. He stated that the new line was complete and that this sewer line would alleviate future sewage spills since it was constructed to carry much more sewage, therefore having a second conveyance if a problem did occur with another line.

Mr. Null informed the board on the regulations for commercial permits on DCL. Mr. Null stated that the board received two permit applications for commercial boat rental expansion. These applications were within regulations. He stated that commercial rental slips are limited in two ways; one that the actual area of use applying must be designated as a marina and boat rental facility and two, it is the Lake Manager's discretion as to how many boat slips can be awarded to commercial boat rentals. Mr. Null stated that past rental allotments ranged from 1 slip per every 6 feet of frontage to 1 slip for every 8 feet of frontage. Mr. Null informed the board that he would not award commercial slips at any less than 1 slip per 10 feet of frontage.

Mr. Kelly stated the transient slips are also at the Lake Manager's discretion. Mr. Null stated that the transient slips are evaluated by the COMAR regulations just like commercial rental slips but transient slips serve as water parking lots, removing boats from active operation of the lake. Mr. Kelly asked if the slips were related to food operations, Mr. Null stated no, they are related to commercial business not just food operations.

Public Comment

Richard Matlick stated that he is speaking for the property owners in the ten sediment impacted coves and that these property owners have formed a group A CLEAR DCL. He asked the board to support the funding mechanism for the Lake Protection Bill and that the board addresses the water quality sampling that should take place in the shallow coves. He also asked the board what their involvement in the upcoming water allocation permit review for Brookfield Power. He stated that the density of aquatic vegetation in Green Glade Cove and how it was a nuisance in the summer of 2016.

Mr. Brian Greenberg commented that he was happy to hear that DNR has shifted sampling to the near shore areas and that turbidity levels rise in the summer from the boat traffic in the shallow coves . He stated that he thought five years was a long time for the sampling but was glad that the efforts have moved to the shallow areas.

Mr. Steve Green stated that due to poor operation of wake boats and other vessels his commercial docks suffer 15-20k in damage every season. He supported that effort to build a map with the 200ft contour line to distribute to the public.

Meeting adjourned at 7:50pm

Respectfully Submitted,

Eric Null