

## Deep Creek Lake Policy and Review Board

### Meeting Minutes

Monday January, 29, 2024

In Attendance : Chairman Bob Browning, Patty Manown Mash, Marta Schroyer, Wendell Beitzel, Steve Green for Delegate Jim Heinbaugh, Jim Iden, Jim George, Commissioner Ryan Savage, Bruce Michael for the County Commissioner, DNR Eric Null, Paul Peditto, Julia Vache, Tom Parham, Emily Vainieri .

#### **Action Agenda**

Chairman Browning asked for a roll call, Mr. Null performed the roll call at the request of the Chairman. A quorum was present at the time of roll call. Minutes were approved and posted on the DCL NRMA website January 17, 2024.

#### **Old Business**

##### Canada Geese

Mr. Null stated that the lottery hunt went great, there were over 80 applicants to the hunt. Hunters harvested 20 geese. The Special Permit blind hunt is currently underway. Mr. Null explained that areas that meet safety standards can apply for a Special Permit to hunt geese from the shore. He informed the Board that the hunt will remain the same for 2024-2025 season. Mr. Null stated that there were very positive public comments about the new lottery hunt and the only negative comments were from individuals that wanted more days added to the hunt. He explained that this season is set federally and adding days would not be an option. He stated that it improved access to the public to the sites.

Mr. Steve Green asked if we had any off the lake hunting, Mr. Null stated that reports have stated that there was ample off lake hunting and these hunters should have harvested the usual several hundred geese.

##### Lake Management Budget

Mr. Null stated that the budget was in good shape, Regional Manager Milbourne is trying to secure another Long Term Contractual Natural Resource Planner. Mr. Beitzel stated that the general assembly has introduced the Governor's budget and he asked Mr. Null if he had a copy of the budget. Mr. Null stated that he does not get to request funding directly from the Governor's Budget. Mr. Beitzel stated that the Board should be able to request funds from the Governor's Budget. Mr. Beitzel requested to see the Governor's Budget and the Parks Service Budget. Mr. Beitzel stated that as a Delegate he could get

the legislative budget and proposed budget. Assistant Secretary Peditto stated that DNR can distill the 2025 Budget for the Board. He stated that the Governor's budget can change throughout the General Assembly. He suggested to Mr. Beitzel to wait until after session when the budget bill is adopted then DNR can provide the actual budget for the lake.

#### Regulation and Boater Education

There was nothing new to report on the regulations.

#### Water Quality Monitoring

Mr. Tom Parham stated that they are currently choosing the 2024 sites for continuous monitoring. He informed the Board that they are studying the impacts of mercury on the fish community and that a drone survey of SAV was completed and is currently being reviewed. Mr. Null stated that Mike Naylor from RAS contacted Lake Management to inform them that RAS will be in DCL in June to plant the SAV for the Arrowhead Cove Project.

#### Water Level Request

The Chairman stated that he did not know of any changes other than some proposed legislation to deal with lake levels, currently the proposed legislation has not been submitted to the General Assembly. Mr. Beitzel stated that in the past Brookfield was hard to work with for the water level drop for the Arrowhead Project. He stated that legislation would be the last step. Chairman Browning stated that all options, but legislation have been tried. Dr. George stated that his understanding of the proposed legislation is to study the impacts to SAV that are around the docks. He stated that the long-term purpose is to have data available to possibly modify the water allocation permit in the future for the management of SAV. Dr. George stated that MDE received the PRB support letter for the proposed legislation and that a response letter will be sent soon. The Chairman stated that the legislation is not just for SAV but also sediment and shoreline erosion projects. Mr. Beitzel stated that he would support the legislation for improving recreational activities by managing SAV.

#### Publicizing Deep Creek Lake Projects

Mr. Null stated that the Shoreline Erosion Control grant applications will be distributed in the upcoming months for the 2023-2024 season. He stated that the 10 in 10 program will officially open to the public this spring. He stated that in 2023 the 10 in 10 pilot had a very positive response. The POA and Watershed Foundation will be sending the announcement to the public soon. He stated that any permit holder that does not have 10 percent woody cover, the state will pay for all the trees. He stated that the shrubs and trees will be provided by the Tremendous Program and private nurseries. He stated that there is already a very large participant in the program for this year. Mr. Michael asked if the State Lakes Fund is paying for the program, Mr. Null stated that he has some money from the Fund and the rest will come from the NRMA budget.

#### County Commissioner Update

Mr. Michael stated that the Arrowhead Project is mostly completed, all the excavation is complete and their goal of 11,000 cubic yards was met. This was possible because the contractor requested work at

night and their request was approved. He stated that there were minimal complaints about the extended work hours. He stated that all stormwater management controls were in place until vegetative stabilization was installed. He stated that they were extremely fortunate to be able to work at night and that the weather was very mild. He stated that drone surveys were done to track the amount of sediment that was removed. He thanked the Legislators, the POA, Watershed Foundation, and Lake Management for all their support on the project.

## **New Business**

### MDE Fee Permit Fee Increase

The Chairman asked Mr. Null for a description. Mr. Null stated that MDE has submitted a bill to increase fees on shoreline erosion control. The Deep Creek Lake permitting cost will rise from \$250 to \$290. Mr. Beitzel stated that legislation was passed in the recent past that lowered the permit fee from \$1600 to \$250 since the projects were being installed on state land. Chairman Browning agreed with Mr. Beitzel that increasing the fee on permit holders to install shoreline protection projects on state land does not seem right. Mr. Green asked why is this fee increase being performed now and is it just for Deep Creek Lake? Mr. Null stated that the bill will increase all MDE permits across the state, to increase department revenue. Ms. Vainieri confirmed that there will be a 30% fee increase throughout the MDE permits. Mr. Green stated that the increase does not incentivize permit holders to install shoreline erosion control. Mr. Beitzel suggested that the local legislators submit an amendment to the bill to exempt Deep Creek Lake from the bill.

Mr. Beitzel made a motion to inform Delegate Heinbaugh and Senator McKay and ask them to submit an amendment to exempt DCL from the fee increase of HB245. Mr. Green second the motion. Mr. Michael stated that a fiscal impact of the fee increase could be done. The Chairman asked how many permits DCL submits every year, Mr. Null stated 23 permits are submitted each year at an increase of \$40 each would be \$920 more per year that MDE would receive in fees from DCL. The Chairman asked for a vote, all members were in favor. The Chairman will write a letter to the legislators asking for them to submit an amendment to HB 245 to exclude DCL.

### State Lakes Funding Bill

Mr. Beitzel asked if the legislators were going to submit a bill to repeal the sunset of the funding. Mr. Green stated that he was informed that there would be a bill introduced for the State Lakes Fund.

### Correspondence to DNR

No correspondence at this time

### Attorney General Office Update

No update at this time.

### Public Comment

Mr. Chris Wortman from the Shriver Subdivision presented a proposed maintenance project for their Conservation Easement to rebuild their pathway to the lake, they stated that large rocks were sticking out of the ground making the pathway tough to traverse. Chairman Browning asked Mr. Null what his recommendation was for the project. Mr. Null stated that they would need to apply for a permit and if everything proposed is within regulation, that the application will be approved. If the project is not within regulation Lake Management will work with the applicant to design a project that will comply with regulation. Chairman Browning stated that he would defer to Mr. Null to review the proposed application when it is submitted.

Ms. Karen Myers asked where the process is to allow permit holders to install docks earlier. Mr. Peditto stated that it was submitted, and the Department wants the regulation change. Ms. Vainieri stated that the proposed regulation will need to be assembled in the official regulatory format to be submitted.

Chairman asked for a motion to adjourn, Ms. Manown Mash made the motion, Ms. Schroyer second the motion, all were in favor.

The next meeting will be May 6, 2024 at 6:00pm

Respectfully Submitted,

Julia Vache, Natural Resource Planner