

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Deep Creek Lake Discovery Center

Monday July 25, 2016

In attendance: PRB Board Members: Bob Browning (acting chairman), James Bailey, Steve Green, Bob Hoffman, Larry Iden, Robert Kelly, Delegate Wendell Beitzel, Paul Edwards, Marta Schroyer, County Administrator Kevin Null, DNR staff; Eric Null, Al Preston, Mark O'Malley and Bruce Michael

Mr. Browning called the meeting to order and informed the board that Mr. Snook would not be able to attend the meeting. Mr. Snook had named Mr. Browning as the acting chairman and Mr. Bailey served and Mr. Snook's Proxy vote. Mr. Browning asked for a motion to approve the April 2016 minutes, Mr. Hoffman made the motion and Mr. Bailey second. All were in favor and the motion passed to approve the April 2016 minutes with one edit.

OLD BUSINESS

Sediment Study Review Committee

Mr. Hoffman said that there were no updates since the last meeting and asked Kevin Null for an update from the County on the MES contract.

Mr. K. Null informed the board that the contract was under review by the County's legal department and once reviewed the Commissioners will sign the contract and the application process will begin.

Personal Watercraft Subcommittee

Mr. Browning pointed out that Mark O'Malley; Director of Boating Services for DNR is in attendance.

Mr. Bailey informed the board that the subcommittee was composed of nine people, three PRB members, and six representatives from the community. There was a representative from the Chamber of Commerce, Deep Creek Property Owners Association, three PWC livery operators from Deep Creek Lake, and a representative from DNR. Mr. Bailey stated that the purpose of the subcommittee was to hold several public meetings and one committee session after the public meetings to discuss the findings. The subcommittee would then report its findings and recommendation to the PRB.

Mr. Bailey stated that there were two public meetings held, the second meeting was held at Garrett College. This meeting was attended by 47 members of the public, 24 of the attendees spoke to the subcommittee. Mr. Bailey stated that of the 24 attendees that spoke 19 were opposed to the regulation change and that a high percentage of the people that were opposed owned PWC's.

Mr. Bailey stated that in the final subcommittee meeting the five voting members were given three options to vote on; the first option was to recommend to the PRB to reject the petition and not move forward, the second was to move forward with a request to the BAAC, the third option was withhold any decision until a poll was taken of the local residents to assess public support. Out of the five members three voted to consider option number three. Option three is the recommendation of the subcommittee to the PRB board.

Mr. Mark O'Malley commented on the process for regulation change. Mr. O'Malley informed that the process contained eight steps and the PRB was at step 7.5. If it was decided to request the BAAC to review the proposal the BAAC composed of 21 members from various waterborne backgrounds would meet and assess the proposal. The BAAC could vote to lift or not to lift the regulation or request more information on the proposal. If the proposal was accepted by the BAAC then it would go through the Maryland Regulatory Process that would take 12-18 months to finalize the lift of the regulation.

Delegate Wendell Beitzel asked if the PRB regulations were part of boating regulations. Mr. O'Malley stated that they are part of Natural Resource Law. Delegate Beitzel asked if things would remain status quo unless the PRB and DNR both agreed to the change the regulation. Mr. O'Malley confirmed that was how the process worked. Mr. Browning asked Mr. O'Malley if the PRB did not send the proposal to the BAAC would the BAAC independently act on the proposal. Mr. O'Malley stated that unless the proposal comes from the PRB the BAAC will not review the proposal.

Mr. Kelly stated that he thought that option three was not a fair option since it prolonged the issue. Mr. Bailey stated that it was up to the PRB to accept the option.

Mr. Hoffman made a motion based on the results of the subcommittee meetings, emails from various POA members and the position of the POA board to refuse to grant a request for further study of lifting the regulation and not send the proposal to the BAAC. Mr. Bailey second the motion.

Delegate Beitzel asked if this motion stated that the PRB was rejecting the recommendation of the subcommittee and going with a different option. Mr. Browning stated that the motion was going with a different option.

Mr. Hoffman asked Mr. Eric Null if Lake Management had any input on the issue. Mr. E. Null stated that Lake Management was neutral in the position until more information could be

collected about the potential safety impacts and boating carrying capacity exceedance that may occur as a result of lifting the PWC regulation. Mr. Browning asked Mr. E. Null if he could share the projections that he shared at the subcommittee meeting. Mr. E. Null stated that after talking to Mike Grant of Boating Services DNR, they added 100 vessels to the aerial count numbers that have been collected over 22 years. The number of one hundred vessels was chosen because it represented 15% of the PWC's that were already on the lake at docks and commercial rental facilities. Also the public vessels from outside the lake that would utilize the lake if the regulation was lifted could not be measured at this time.

Mr. E. Null stated that when the 15% of on Lake PWC's were added to the 22 years of boat counts, carrying capacity went from a 6% exceedance to 36% exceedance. Mr. Browning asked if the counts were done on the weekends when the restriction was in place. Mr. E. Null stated the boat counts were only performed on weekends and holidays from July 4 to Labor Day.

Mr. Browning called for a vote on the motion to reject the submission to BAAC of the proposal to lift the PWC's restrictions. All members present voted to reject the submission of the proposal to the BAAC with the exception of Delegate Beitzel who voted against the motion. The motion passed 6:1.

County Commissioners Report

Commissioner Paul Edwards had two subjects to announce, the first was the introduction of the the County's newly hired Watershed Coordinator Mr. Gary Aronhalt. Mr. Aronhalt will be working with the various stakeholders to implement the Deep Creek Lake Watershed Management Plan. Commissioner Edwards stated that the second subject was the Planning Commission has changed the language in the zoning regarding fracking and associated apparatus.

Mr. Browning asked if the MOU for the watershed plan had been signed yet. Mr. Kevin Null answered it has not been signed yet, partially due to scheduling conflicts between all who are required to sign the document.

Canada Geese

Mr. Kelly stated that the Canada Geese in the McHenry Cove area were a major problem and that DNR needed to control the numbers of geese on the lake. Mr. E. Null stated that he is awaiting the final word from Wildlife and Heritage Service about the fall goose hunt on Deep Creek Lake. Mr. E. Null also stated that the only other option that had not been tried was to capture the geese during the molting season and euthanize them. Mr. Hoffman inquired about the process of the molting capturing. Mr. E. Null stated that it has to take place in July and it would be a very publically observed event. The process would be dependent on US Fish and Wildlife officials issuing a permit to remove the geese and it would be a massive operation that would involve a large staff and many vessels. Mr. Hoffman asked if it took a long while to have

something like this approved. Mr. E. Null stated “Yes”. Delegate Beitzel suggested that the Board invite Director Paul Peditto to the next meeting to explain the process.

Hydrilla Control

Mr. Bruce Michael gave an update on the Hydrilla control program at Deep Creek Lake. Mr. Michael stated that the control program has been very effective, most of the areas that were originally identified in 2013 as having Hydrilla, today have no Hydrilla growth present. Mr. Michael stated that due to the treatment success DNR is exploring the modification of the treatment to lessen any impacts on native SAV species. He also stated that DNR would be continuing their SAV surveys this summer. Mr. Iden asked if the modification of the treatment would result in increased shoreline grasses in the treated areas. Mr. Michael stated that the intent of the modification is to promote the growth of the native SAV species.

Mr. Browning stated that he saw in the news that a boat was inspected at the state park boat ramp that contained zebra mussels. Mr. Michael confirmed that a boat had been inspected by the launch ramp stewards that contained zebra mussels. Mr. Michael stated that the boat had been out of the water for five days, which dried the mussels. The launch ramp stewards removed all of the dead mussels from the vessel. Mr. Michael stated that there would be enhanced future monitoring for zebra mussels in Deep Creek Lake.

Mr. Browning stated that in the past DNR questioned whether zebra mussels could live in Deep Creek Lake. Mr. Michael stated that pH and calcium conditions in the lake were not favorable for zebra mussel colonization but there could be places in the lake where zebra mussels could colonize due to chemical conditions.

Mr. Michael stated that there is Hydrilla at Rocky Gap Lake and there are also launch stewards there on the weekend. He also stated that there is a statewide aquatic invasive species management plan being generated for all 16 state owned lakes.

Delegate Beitzel asked back in the vote for the PWC regulation how if there were 9 members present that the motion passes 6:1. Mr. Browning stated that as chair he did not vote and Mr. Baily had Mr. Snook’s vote and did not vote for Mr. Snook since it did not influence the majority. Commissioner Edwards did not vote since he is an advisory member not a voting member of the board. Delegate Beitzel asked Mr. E. Null since the vote involved regulation could he and the senator’s representative vote on the issue. Mr. E. Null stated since the vote was a recommendation not actual regulation change that the delegate and senator could vote on the issue.

Public Comment

Mr. Alan Silverman expressed concern over the sedimentation in North Glade area. He also expressed concern over the shoreline erosion and unsafe conditions being caused by wake boats, PWC, and ski boats being too close to the shore and docks. He asked if more enforcement of the 100ft distance regulation could be done.

Mr. Richard Matlick expressed concern with the water quality, amount of SAV and sediment in Green Glade Cove. He also brought water and SAV samples to present to the board to show the issues facing Green Glade Cove residents. He also reminded the board that the water level permit for Brookfield Power would be reviewed by MDE in 2019 and the PRB needs to comment and review this application.

Mr. Bill Alsop commented on the amount of SAV influencing recreational activities such as water skiing and swimming. He stated that he had to remove the grasses from around his dock to be able to moor his boat.

Mr. Brian Greenberg expressed concern for the amount of SAV that has washed up on to his area of shoreline. He stated that he had to remove the loose SAV multiple times over a short period of time. He also stated that channel dredging will be inadequate since the impacts of sediment are not in channels but in the shoreline area. He also stated that a new carrying capacity study was overdue on Deep Creek Lake.

Ms. Ellen Williams expressed concern over protecting the lake from fracking. Ms. Williams asked the board to be involved in the regulations on fracking. Mr. Browning informed here that the PRB's duties do not allow for the board to be involved in the fracking regulations. Delegate Beitzel informed Ms. Williams that the state owns the lake and if fracking is permitted in the State of Maryland there will be no such activity within or under the state owned area of the lake.

Ms. Barbara Beelar asked the board to make the Canada Goose control a permanent agenda item and that the board and DNR work with local farmers around the lake to establish hunts on the farmland where Deep Creek Lake geese feed. Ms. Beelar expressed concern over \$200,000 being taken from the Lake Management fund to treat Hydrilla without the PRB's consent. She also asked why the state park launch ramp fees were being deposited into the parks fund and not the Lake Management fund. She expressed concern about budget cuts to the Natural Resource Police funding and how that would affect police on the lake. Ms. Beelar stated that the former PRB board asked that an MDE and BAAC representative be added to the PRB board.

Chairman Browning asked for a motion to adjourn the meeting, Mr. Hoffman made the motion, Mr. Bailey second, all were in favor

Chairman Browning adjourned the meeting at 7:47pm

Respectfully Submitted,

Eric Null

