

Deep Creek Watershed Management Plan

Response to Public Comments

September 8, 2014

On September 8, 2014, the Steering Committee for the creation of the Deep Creek Watershed Management Plan met to discuss the public comments received regarding the draft document. This document is a summary of the actions taken at that meeting. Following this summary is an Appendix that documents the response of the Steering Committee to each response received during the public comment period.

GENERAL

- A discussion was held regarding changing the format of the document. The group agreed that the format was adequate and voted to keep the format as is.

GOAL 1

General Comments

- It was decided to change all reference to 'governance' to 'management' or 'management entity'. Concern was raised by the public that the proposed structure created a new government entity with the taxing and legislative powers associated with government. The purpose of the proposed entity is to facilitate the implementation of this plan. The term governance did not properly reflect this purpose.

Objective 1

- It was decided to change the second sentence in Objective 1 to read "This new partnership should oversee the implementation of the watershed management plan, provide..." This change is editorial and for clarity.
- It was decided to replace the phrase 'enter into' in strategy 1 to 'execute'. This change was editorial for more appropriate language. The strategy will now read (changes in italic): "DNR and the county commissioners will *execute* a new Memorandum of Understanding focused on the development of a new *management* structure, scope of work for hiring an executive director, and the development and implementation of a financing plan."

Objective 2

- It was decided to insert phraseology that specifies that an assessment of existing state and local funding sources will be conducted. In addition language should be inserted that identifies the need for a financing strategy; however, a robust discussion of funding before the plan is finalized is premature.

GOAL 2

Objective 1

- The objective will be edited to read "Increase direct and indirect outreach to residents, businesses, and visitors regarding responsibilities for maintaining and improving of the quality of and impacts to the Deep Creek watershed." This is an editorial change for clarity.
- It was decided to include wording in the strategy that clarifies the necessary role all residents, businesses and visitors play in restoring and maintaining the watershed.

- Concerns regarding reference to the State of Maryland as owners of the lake will be addressed by including wording throughout the entire document noting that the State of MD owns the Lake and that DNR is the agency assigned the responsibility to manage the Lake and the buffer.

GOAL 3

General Comments

- Due to concerns that the goal lacked any explanation as to the purpose for collecting information, the goal was revised to state "Collect the information needed to inform management decisions to achieve the desired conditions." A paragraph has been included in the narrative to show how information informs adaptive management.

Objective 2

- Strategy 2 was changed to add the word 'specific'. It will now read (changes in italic): "Identify *specific* monitoring objectives and develop a water quality monitoring program for the next 5 years, reevaluate every 5 years, and include long-term monitoring objectives and criteria."

GOAL 4

General Comments

- Concerns regarding boat wakes were referred to Goal 6.

Objective 2

- The narrative of this section will be enhanced to address the values of rural landscapes and economies. The purpose is to clearly describe the benefits of maintaining agricultural land use.
- The wording of strategy 4 will be changed to 'Maintain rural character and promote farm and forest sustainability through alternative income sources and use of locally produced farm and forest products.' This change better reflects the intent of the strategy.

Objective 4

- It was decided to delete the phrase 'prohibit or' in strategy 2. This change was to make the strategy more achievable. The strategy will now read: "Discourage feeding of geese on public and private lake shoreline property."
- Due to concerns that Objective 4 was not worded strongly enough, it was decided to delete the words 'concerns over'. The objective will now read: "Manage additional nonpoint and point sources of pollution to Deep Creek Lake and its streams, including those associated with geese populations."

GOAL 5

Objective 2

- It was decided to broaden the objective to address navigational channels. The objective will now read: "Manage the SAV communities around the docks and navigational channels that affect recreational uses such as boating and swimming to minimize interference with public recreation around dock areas."

- It was decided to expand strategy 2 to include management options for navigational channels.

Objective 3

- It was decided to revise strategies 2 & 3 to include implementation.

GOAL 6

General Comments

- The narrative accompanying this objective will be modified to add verbiage addressing the impact of boat size and waves on shoreline erosion.

Objective 3

- Strategy 6 will be modified to delete 'DNR will work partners to'. The strategy will now read: "Promote the merits of shoreline stabilization and encourage homeowners through incentive programs, as they are developed, to install appropriate measures to prevent further shoreline erosion." This was an editorial change.

GOAL 7

Objective 1

- It was decided to change strategy 3 to read: "Should the regulation be included in the Deep Creek Zoning Ordinance, the staff of the Office of Planning & Land Management is the responsible entity for enforcement at the time of permit application." This edit was for clarity.

Objective 2

- The narrative that accompanies this section of the plan will be expanded to include why waterfront businesses were the focal area of this objective.

Objective 3

- After considerable discussion the group decided to change this objective and attendant strategies to match the original objective and strategies proposed by the Impacts of Growth subcommittee. The objective and strategies will read as follows:

Objective: No shale gas drilling wellheads should be allowed within the Deep Creek Watershed

Strategy 1: The County as yet does not know whether shale gas drilling will be permitted in the State of Maryland. If it is permitted, the County should prohibit shale gas wellheads in the watershed in order to protect the unique quality of Deep Creek watershed.

Strategy 2: As part of the Comprehensive Plan process, the Planning Commission should include this recommendation for inclusion within the document.

Strategy 3: Should this recommendation be included in the Comprehensive Plan, a regulatory mechanism should be included in the Deep Creek Watershed Zoning Ordinance at the time of its review.

GOAL 8

General Comments

- It was decided that the goal was awkwardly worded, and therefore the group voted to re-word it. It now reads: "Manage stormwater infrastructure to decrease pollution from both existing and proposed development to ensure healthy watershed conditions."

GOAL 9

Objective 2

- It was decided to edit the objective to read: "*Expand public sewer consistent with the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system so that it complies with BAT or best management practices as appropriate, to include relevant training.*"

GOAL 10

General Comments

- It was decided to add language to the narrative for this section that addresses how the stated objectives will preserve and enhance the quality of recreational opportunities as the goal states.

Objective 2

- It was decided to revise the objective to address concern that lake access points would increase the number of motorized boats on the lake. The group agreed that the intent was to increase access but not necessarily motorized boat launching sites. Therefore the objective will now read: "The DNR Lake Management Office should identify and promote current and future public access locations, *with a focus on non-motorized craft and activities.*"

Objective 3

- The objective was edited to delete 'of public lands' in order to broaden the Park Services role as a model for public and private lands. The objective will now read: "The Maryland Park Service will enhance recreational opportunities and green infrastructure at Deep Creek Lake State Park and be a model for stewardship."

GOAL 12

General Comments

- It was decided to add language to the narrative of this section that acknowledges that higher water levels are perceived to worsen shoreline erosion.
- It was decided to include within the narrative a discussion of the natural processes of lake aging.

Objective 1

- The objective and strategies will be revised to clarify MDE's role in reviewing and accepting results from the proposed water budget study.

Objective 2

- It was decided to combine objective 2 and its strategy with objective 1.

GOAL 13

Objective 1

- It was decided to revise strategy 2 to replace the word 'require' and to include cooperation with the Garrett County Board of Realtors. The strategy will now read: "Working with the Garrett County Board of Realtors and other appropriate agencies, investigate mechanisms to assure that an "eligibility report" prepared by the DNR Lake Management Office is provided to property buyers at the closing of a property transfer. The eligibility report describes current permits, property conditions, restrictions, and other factors. Comprehensive information on water conditions along the specific property, any current violations that require correction, and confirmation that the buy-downⁱ transfers with the property should be added to this report."
- The objective was edited to delete "Develop strategies to" for editorial purposes. The objective now reads: "Assist property owners in areas that typically have low water levels during the summer months."

APPENDIX: The following pages document the specific responses of the Steering Committee relative to each comment received during the public comment period.

Goal 1: Improve the management structure, funding, coordination, and accountability of governance for the Deep Creek watershed.

General Comments:

- 1) The Governor should create a unit within his office for state level DC Watershed Management Plan responses, implementation, coordination and State funding
- 2) The two pieces proposed - a cooperating alliance and an Executive Director do not constitute a management entity. More comments in this regard can be found in the 15 page document titled Beelar_8_23_14

- 3) GCBR opposes the governance structure proposed in the plan. It is unclear from the language of the plan what is being proposed - is it a new form of state or county governing at the lake or simply a framework for fostering communication, coordination and cooperation between county and state agencies? Our experience interacting with thousands of lake property owners leaves us wondering why and where the need for a new governing entity arose. Our interaction with the state and county, and that of our customers, has for decades been generally positive. The "State of the Lake" is reported as being good and the DNR has been very responsive to environmental issues that have arisen. More from this commenter is found in GCBR_Plan_8_13_14. Please read.

Objective 1:

Develop and implement governance structure for the formal coordination of activities within the Deep Creek watershed

- 1) Change the second sentence in Objective 1 to read: "This new partnership should oversee the implementation of the
- 2) Strategy 1 replace '...will enter into a new...' to 'will develop a new'

- 3) The partnership proposed is nothing more than adding a piece of paper to enshrine the status quo and makes it clear that neither DNR nor the County are willing to effect real change in the management of Deep Creek watershed. This commenter offers more comments as to this objective in E_Williams_8_23_14. Please read.

- 4) Revise the SC finding that a cooperative agreement will adequately address the stated Goals and Objectives of the plan. The Goal 1 narrative provides no explanation as to why the choices of management response were limited to 'do nothing' or 'choosing a cooperative agreement'. The cooperative agreement is much the weakest institutional arrangement - other than 'do nothing'. The MOU arrangement conceded by the SC leaves the institutional tasks and relationships in the watershed essentially unchanged. More from this commenter on this objective can be found in Greenberg_8_22_14. Please read.

Response

This is a decision best left to the Governor's Office
Replace the term "Governance" with "Management" or "Management Entity".
Replace the term "Governance" with "Management" or "Management Entity".

Accepted
Accepted but use the verb "execute" as this is the legal SC disagrees. Expansion of MOU and inclusion of components is way beyond the status quo. No change.
SC disagrees. Plan inserts the necessary catalyst to make these institutional tasks and relationships. Work of the subcommittee and the concepts developed will be made available as the management

Objective 2:

Develop sufficient, sustainable sources of funding to implement the watershed plan, including but not limited to addressing future needs for educational goals, objectives, programs, and adequate staffing.

Response

1) The one and overall glaring weakness revolves around funding. Plans are only as good as how they address the funding source. Since the state of MD owns Deep Creek Lake the state of MD is the funding source. This is the state of MD's obligation. As long as the plan does not address nor take a stand on funding, the state will continue to avoid the issue and the WMP Plan becomes an exercise in futility. Furthermore, without the commitment of the local stakeholders, primarily, the County Commissioners, the elected representatives, the Dept of Natural Resources, the Realtors, and property owner groups pressuring the state lawmakers, the funding issue will be ignored. More comments regarding this issue from this commenter can be found in Alsop_8_23_14.

Insert that the analysis should include an assessment of existing state and local funding sources in addition to identifying the need. A robust discussion of funding before the plan is finalized is premature.

2) The State purchased the lake and is responsible for its viability and to keep it in good navigable, usable condition in all areas. The state should be liable for removal of the invasive non-natural grasses and growth. They should dredge coves that have become difficult to enter because of sediment and grass growth. They own the body of water, lake bottom, and the surrounding buffer strip. The state offered a "buy down" and received an enormous amount of money from the property owners. Where are these funds? If they were left here, the state may have been able to do what is necessary to keep Deep Creek in high quality condition.

The planning process will identify responsible authorities (State and others) for various aspects of lake and watershed management. No change.

3) One concern we'd like to raise is the question of paying for recommended improvements. For example, it's homeowners who bear the significant costs of converting from septic to public sewer - and we've seen recent estimates of up to \$50,000 to convert an older property on Marsh Hill Rd. That's extraordinary burden on a retired couple, or a family who's stretched their budget to acquire an older home near the lake. Moreover, some of the recommendations would impose higher taxes and fees on all lake area property owners. These direct and diffuse costs should indeed be a part of the upcoming study and analysis, as noted in your Goal number 1.

Goal 9: Objective 2: Strategy 2 evaluates debt repayment related to this comment.

4) The plan proposes to launch a governmental process or processes for which funding estimates and funding requirements have been deferred. Even if all of the goals and objectives were eventually judged to be worthy (and I am not suggesting that is or is not the case in these comments), committing the residents and owners of the County to unspecified funding mechanisms with no estimates of how much it will cost to pay for them is not responsible public policy. All facets of the goals and objectives merit such estimates and the proposed mechanism to fund them. Funding mechanisms and estimates need to be advanced to support all the proposed first year activities with a high degree of specificity.

Not the intent of the signatories. This is the purpose for the financing strategy.

Objective 3:

Ensure necessary and sufficient staffing of all state, county, and related agencies and partners to address management issues for the Deep Creek watershed.

NO COMMENTS

Objective 4:

Develop a process for transparency and accountability for implementation of the watershed plan and associated costs.

1) The existence of a dashboard to track and document plan implementation and specific issues in the watershed does not automatically result in action to correct problems or incorporate public feedback into policy and program decisions. This objective should also define the standards of transparency and accountability desired; otherwise the various responsible entities will be left to develop their own - a clear conflict of interest. Recommendations: (1) Include specific strategies or actions that will ensure incorporation of public feedback in management decisions. (2) Define a mechanism to ensure that actions are taken to correct problems identified via the dashboard. (3) Include standards for transparency and accountability and a mechanism to ensure they are met.

2) Make recommendations on standards for transparency and accountability in the WMP. Leaving the determination of acceptable standards on transparency and accountability to the affected government entities is a clear conflict of interest, and is textbook case of 'letting the foxes guard the henhouse'.

3) Ensure that public feedback is incorporated in transparency and accountability of the new 'governance entity' and the WMP. The general pattern of DNR lake management is to allow very limited public feedback, and for that feedback not to substantively influence lake management. Transparent and accountable watershed management should help overcome this pattern of the lake management entity sidestepping stakeholder feedback.

Response

Currently not at that point in defining the role of public input in the management structure and decision processes. That will be the charge of the Executive Director and the public group that is formed.

This concern will be addressed by management entity (as above) which will include public oversight

This concern will be addressed by management entity (as above) which will include public oversight. Need more information on how lake management is sidestepping public feedback. PRB should

Goal 2: Nurture an informed and engaged citizenry regarding the Deep Creek watershed.

Response

General Comments:

NO COMMENTS

Objective:

Increase direct and indirect outreach to residents, businesses, and visitors regarding the quality of and impacts to the Deep

1) Edit objective to read: "Increase direct and indirect outreach to residents, businesses, and visitors regarding their responsibilities for maintaining and improving of the quality of and impacts to the Deep Creek watershed.

Accepted

2) Divide strategy 1 into 3 separate strategies.

No change. Not necessary.

3) The point of public outreach should be to explain watershed and lake management responsibilities, authorities and goals, and to solicit cooperation in maintaining and improving the quality of the resources and experience in the area. Stakeholders are part of the 'system' and their active participation is needed to effect the kind of changes desired.

Accepted

Recommendation: Include wording in the strategy that clarifies the necessary role all residents, businesses and visitors play in restoring and maintaining the watershed.

4) Revise strategy 1 to include a clear statement that the State of Maryland, as owner of Deep Creek Lake, is responsible for its protection and improvement. The current wording clearly is intended to acquaint lake stakeholders with the State of MD's prerogatives and authority as 'owner' of the lake. This wording should also convey the responsibilities held by the State in that role. This cannot be assumed, and should be clearly stated. The draft WMP should clarify that the DNR is an agent of the State of MD, and as such DNR does not own the lake.

Wording has been changed throughout the document that the State of Maryland owns the Lake and DNR is the agency assigned the responsibility to manage the Lake and the buffer . This is a lake management issue and will be dealt with by the PRB.

5) When something occurs on the buffer strip it should not be the adjoining lake property owners duty to pay to have it corrected. Downed trees incurred through a natural disaster or erosion have to be removed to enable a property owners dock to be placed into the lake. It is the State's trees and land. It is their responsibility to take care of the problems, not the adjoining property owner. As someone who incurred excessive costs in the thousands of dollars for tree removal and then be told I must replant trees on the State's land and guarantee they grow to maturity, I find this very unreasonable. My neighbor does not maintain my property if there is a problem! The State does not own Chesapeake Bay, but they and we fund the upkeep and remediation of that body of water. I think they should take care of the body of water they bought and own.

Goal 3: Collect the needed information to achieve the desired condition of the Deep Creek Lake and watershed.

General Comments:

1) The goal statement needs to be strengthened beyond mere collecting of needed information. Collecting information will not change anything, but are necessary to inform management decisions. The goal should be to create programs or take management steps to achieve the desired conditions. The desired conditions should also be more clearly defined.

Recommendations: (1) Change the goal statement to clarify that the purpose of collecting information is to inform management action to achieve the desired condition of Deep Creek Lake and watershed. (2) Include standards for the "desired condition" and language that links monitoring of those standards to management steps by the appropriate entity.

2) Include standards or benchmarks for 'the desired condition of the Deep Creek Lake and watershed'. Include language that links monitoring of those standards to actual management steps by DNR. This section should be re-titled and edited to convey that the purpose of collecting data and information must be to inform watershed management actions. No amount of information collecting will accomplish the stated Goal, which is to 'achieve the desired condition of DCL and its watershed. As now worded, the strategies in objective 1 will maintain the status quo, in which the role of lake 'management' is to do studies, surveys and monitoring. This monitoring is weakly linked - if at all - to timely management responses to the problems facing the lake. Clearly stating that the purpose of monitoring is to inform management steps rather than to avoid them will be essential to improving watershed management. Failure to establish this as a DNR management principle will ensure that the watershed continues to receive surveys and monitoring rather than active in-lake management.

Objective 1:

Improve our understanding of the sources of nitrogen, phosphorus, and sediment inputs to Deep Creek Lake and the streams

1) Change the objective to read: "Improve our understanding of the sources of nitrogen and phosphorus inputs to Deep Creek Lake and the streams that feed it, in order to prioritize places where conservation, remedial and management activities will be most effective". The sediment part is done elsewhere.

2) Change strategies 2 and 3 deleting all references to 'restoration' opportunities or projects and changing them to 'improvement' opportunities and projects.

Response

Goal has been revised to state "Collect the information needed to make informed management decisions that achieve the desired conditions..." A paragraph has been included under the Getting Results section to show how No additional changes needed beyond above.

No Change: Restoration is a term recognized by funding entities.

No Change: Restoration is a term recognized by funding entities,

Objective 2:

Continue regular monitoring of the Deep Creek watershed (lake and stream water quality) to inform decisions and management actions on lake and watershed conservation and restoration.

1) Change objective to read "... watershed conservation and remedial activities."

2) Change strategy 2 to read "Identify specific monitoring objectives..."

3) Delete strategy 6. It is listed under Goal 4, Objective 4.

4) There needs to be a clearer mechanism to link regular monitoring to management action. One of the strategies refers to management recommendations, but does not describe how that will be achieved. Nor is it clear that the goal of monitoring is to provide a complete and comprehensive picture of conditions in the watershed and lake. The Water Quality Working Group did not provide this direct link to management actions, and did not debate requirements for additional information.

Recommendations: (1) Include a specific strategy to translate monitoring efforts to management action. (2) Revise strategy 2 to include the goal of providing a comprehensive picture of conditions in the watershed and lake.

Same as prior comments

Accepted

No change

The role of adaptive management will be emphasized in the narrative. No additional revisions were considered necessary.

Goal 4: Manage existing land uses to achieve the desired condition of the Deep Creek Lake and watershed.

General Comments:

- 1) The impact of land and water recreational uses on a sustainable watershed is not addressed. Boats and personal watercraft have a detrimental effect, especially as they get bigger and more powerful - creating bigger waves. Activities on land also have an impact on the quality of the watershed. Create a strategy to address the impacts of land and water recreational uses on the quality of the watershed.
- 2) Create a strategy to address the impacts of land and water recreational uses on sustainable watershed management.

Objective 1:

Maximize the water quality, air quality, habitat and economic services provided by forests through conservation, restoration and management efforts.

- 1) Change the word 'restoration' to 'remedial' so that it reads: "...conservation, remedial and management efforts."

Objective 2:

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.

- 1) Why should we "maintain agricultural land use"?
- 2) Strategy 1 - why educate and encourage landowners to keep land in agriculture?
- 3) Change strategy 4 to read: "Use of locally produced farm and forest products", because profitability is an owner's responsibility.

Objective 3:

Minimize fertilizers and pesticide inputs to the lake and its streams from lawn care practices.

- 1) Yes, lawn care puts some fertilizer into the lake, but the public utility puts a lot more in when their pump stations fail and raw sewage is spilled into the lake.

Response

Already defined in the strategy under Goal 6, Objective 1, Strategy 2- improve our understanding of the contribution of boat wakes and heightened wave energy on
As above

Addressed

Enhance the narrative to address the values of rural landscapes and economies.
Same as above
Change wording: Maintain rural character and promote farm and forest sustainability through alternative incomes sources and use of locally produced farm and

No change

Objective 4:

Manage concerns over additional nonpoint and point sources of pollution to Deep Creek Lake and its streams, including those associated with geese populations.

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1) Delete "Prohibit or..." from strategy 2 so it reads: "Discourage feeding of geese of..." | Accepted |
| 2) Objective 4 focuses on "managing concerns "over nonpoint and point pollution sources, rather than actually doing something about it. Reword objective 4 to "Manage additional nonpoint and point sources of pollution..." | Accepted |
| 3) The geese population continue to not only be a problem to the docks, etc, they are adding a great amount of natural fertilizer that probably encourages the growth of the water plants and changes water quality. | Recognized by the plan |
| 4) Reword this objective to clarify its purpose is not simply, as the draft now reads, to "manage concerns", but to actually 'manage additional nonpoint and point sources of pollution'. Geese are significant pollution sources that require management. But in focusing on them more than the other pollution sources, this section looks incomplete or duplicative. Perhaps consider relocating or consolidating it with land use, water quality or somewhere else, e.g. Goal 6. | Accepted |

Goal 5: Manage SAV in Deep Creek Lake to maintain and improve the ecological stability of the lake, while working with waterfront landowners to minimize the interference of SAV with recreational uses of the lake around docks.

General Comments:

1) In the recommendations the WQ subcommittee did not include invasives. They give responsibility to the Water Quality Working Group which was terminated by DNR last year.

2) I am not directly affected by the SAV grasses, but it is a matter of time. What occurs in one part of the lake will soon have consequence on the other areas. If you cannot use a cove due to the sediment or SAV, people will move to other areas, and bring the SAVs with them. The whole lake will soon be in danger.

3) Require the state to prevent further introduction of invasive species into the lake, pay for on-going control programs for hydrilla and Eurasian Watermilfoil and support change in current law in the upcoming Legislative Session

Response

Objective 3 addresses invasives. The WQ goal also recommends continuation of the WQ working group.

No Change.

Revise strategies 2 and 3 under objective 3 to include implementation.

Objective 1:

Develop a long-term monitoring plan, managed through the Water Quality Workgroup, to track changes in SAV species composition, abundance, and distribution to inform native and non-native SAV management plans.

NO COMMENTS

Objective 2:

Manage the SAV communities around the docks , and navigational channels, that affect recreational uses such as boating and swimming to minimize interference with public recreation around dock areas.

1) Change strategy 1 to indicate the possibility of multiple workshops and venues: "... GIS recreational use workshops or other venues"

2) Consolidate objectives 2 & 3 to reduce overlap/redundancy. 'Managing SAV around docks' (obj 2) is one aspect of 'controlling existing populations of established SAVs' (obj 2). These can be combined for clarity and simplicity.

Broaden it to navigational channels.

No change needed.

Expand strategy to include management options for navigational channels

Objective 3:

Control existing populations of established invasive SAV species using best management practices, and prevent future introductions of harmful non-native species of SAV.

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| 1) Delete 'Hydrilla, Eurasian watermilfoil, and other' in strategy 3 so that it reads "...and spread of harmful non-native species of SAV. | No Change |
| 2) The prevention of future harmful non-native SAVs should be an objective on its own. This is a very important lake management issue that has been glossed over in the past. This needs to change to avoid future events like the Hydrilla infestation that will likely absorb needed financial and staff resources for years to come. The fact is that it should have been prevented. Other lakes have strong enforceable programs for boat cleaning and inspection before and after launching to prevent importation of aquatic invasives as well as prevent the spread to other bodies of water. Providing DNR with enforcement authority may well require legislative action, but it is a necessary step to ensure the continued viability of the watershed. There are a number of states that have taken this route and examples of legislation, and regional cooperative arrangements, that can guide Maryland in solving this issue. Also, under the current objective 3, implementation of control strategies for existing invasive SAVs is missing. Recommendations: Make a separate objective, with specific strategies, around preventing future introductions of harmful non-native SAVs. Include requirements for legislation if needed. Reword strategy 2 to "Identify and implement control strategies..." | No change. Issue already addressed. |
| 3) Separate the 'prevention of non-native SAVs' and other species from activities to control them. Elevate prevention of SAVs to the level of an objective to reflect its importance. Preventing the entry of invasives into a watershed is a very different (also much easier and less expensive) activity than controlling them after they become established. Prevention and treatment are sufficiently different as to merit separate objectives and strategies. | No change. Issue already addressed. |

Goal 6: Prevent erosion and sedimentation to the greatest extent possible to protect water resources from increased sediment loading and associated water quality problems.

General Comments:

1) The issue of dredging to remove accumulated sediment should be addressed in the WMP, as a clear responsibility for lake management. Simply addressing future sedimentation will not improve the quality of the lake, and it will be difficult for upstream property owners to accept changes in the way they manage their own land without a concomitant investment by the State in remediation. Sediment accumulation is already a problem not just for those living in the most impacted coves, but for all who want to boat, fish, waterski and swim in those protected waters. Sediment is a known impairment of water quality that affects ecological health. Dredging is an important component of effective watershed management in many other lakes, and it can be accomplished in a way that preserves and protects the ecological balance of the lake. It is therefore in the interest of most lake and watershed stakeholders to remove the sediment that has accumulated over the past 89 years while also developing solid implementation plans to control future accumulation. Recommendation: Create an objective that addresses dredging and/or other remediation solutions to existing sediment accumulation and link directly to plans to control future sedimentation.

2) The draft report shows the lack of serious attention to the matter of sediment by the SC. It shows that the WQ subcommittee ended up making a recommendation on this issue. First they, as do many others, make the link of "erosion and sedimentation". Not all sediment accumulation is a function of erosion so linking them creates conceptual fuzziness. Most important it accepts without challenge the state decision not to dredge the lake. The WQ section then states "There is sentiment and interest with certain lake-side property owners to pursue the restoration of navigable coves on their own." What documentation does this subcommittee have on this or is it DNR assertion to mislead? We know of no such group sentiment. There were more thoughts from this commenter that were more general in nature. See Beelar_8_23_14.

3) Maintain the reduction and remediation of accumulated sediment, including dredging, in the WMP. The effects of accumulating sediment are now strongly felt and will increase. Sediment is an impairment of water quality that significantly lowers property values, recreational appeal and ecological health in affected coves - meaning large areas of the lake. Dredging of similar waterways is a BMP in many other places. The DNR's sediment plan provided an unsolicited recommendation - which the DNR accepted without explanation - to the effect that dredging 'is not in the State's interest'. Dredging nonetheless remains in the interest of most lake and watershed stakeholders. This paradox requires resolution in the WMP. The DNR has subsequently indicated that sediment removal has not been ruled out as a component of lake management, creating uncertainty about the rationale and impact of its earlier, deeply flawed decision.

4) References and discussion of erosion and sedimentation should clarify and differentiate between stream issues and those related to shoreline changes. The extent and severity of shoreline erosion and sedimentation need to be closely examined to see whether the plan provides an appropriate response commensurate with the problem. Both issues have an effect on real estate and the appeal of the lake to the next generation of buyers. This spills over into the strength and sustainability of the county's real property tax base. This is one area where responsive natural resource management complements our county's tax and revenue needs.

Response

Noted that the PRB will address this issue and that dredging is included as an objective under Goal 13

Noted that the PRB will address this issue and that dredging is included as an objective under Goal 13

Objective 1, Strategy 2 address this. Narrative will be modified to address boat waves

No change. Issued already addressed.

5) The document properly notes that there are significant portions of the lakeshore where recreational use is limited when there are low waters levels and , to address this, the document proposes to maintain higher levels to the extent possible. That's fine for them, but the document then effectively says that portions of the shoreline that are particularly at risk from collapse when water levels are high, they should be strengthened, with no mention of who should bear that expense. The costs of shoreline protection are not trivial. Moreover, each work site must be accessed from the property being

No Change: issue will be addressed as part of the evaluation in goal 12, Objective 1, Strategy 1

Objective 1:

Identify the causes and mechanisms of erosion and sources of sediment within the Deep Creek watershed, including the movement of sediment in the lake.

- 1) Shoreline protection should be a partnership between the State of MD (lake owner) and the lakefront property owners. I will address two causes of shoreline erosion which are not adequately addressed in the report: (1) wave action from boat wakes. This is more of a problem with the increased number and wake size of watercraft using the lake. The maximum boat size limitation does not appear to be enforced. Further, it may be more effective to regulate the maximum boat draft in addition to length. (2) management of lake levels. (This comment was included in the Goal 12 comments.)
- 2) Delete 'in consultation with MDE' from strategy 5. This will happen automatically since this is under MDE control anyway.

Objective 1, Strategy 2 address this. Narrative will be modified to address wave energy.

No change

Objective 2:

Develop an erosion and sediment control implementation plan.

- 1) Delete 'in consultation with MDE' from strategy 1 & 2. This could be done independently of MDE, although MDE would have to approve eventually.

No change

Objective 3:

Revise, streamline and incentivize lake shoreline protection measures and permitting.

- 1) I am not against paying a permit fee for shoreline protection, but not the current punitive fee. The incentives alluded to in your report should come with the implementation. I would suggest a 50/50 cost sharing of the implementation of one of the pre-approved designs for shoreline protection. I do not agree that the State is the best party to develop the pre-approved designs. The vertical sea walls that have been built by some property owners exacerbate the problem by reflecting the wave action back into the lake. The rip rap placed on the natural shoreline slope is a good solution as it breaks up the wave action, as do the grasses in the shallow areas of the lake.
- 2) Delete 'DNR will work partners to' from strategy 6.
- 3) Erosion of the shore line continues to be a problem around the entire lake. Incentives should be placed to encourage prevention, not costly and extensive permit applications. Maybe the adjoining property owners would be more encouraged and inclined to help the state out with this problem on the State owned buffer strip.

Addressed in Objective 3 as "evaluating options".

Accepted
Addressed in Objective 3 as "evaluating options".

Goal 7: Promote policies that balance environmental sustainability and economic viability.

General Comments:

NO COMMENTS

Objective 1:

The county's planning commission should strengthen the current site design and architectural review standards to commercial

- 1) Change the verb in strategy 3 from 'will be responsible' to 'should be responsible'
- 2) The issue of architectural standards appears to be outside the original intent of the management plan. However, GCBR believes that any proposal dealing with architectural standards should be limited to commercial properties, not involve residential buildings, and the matter should be deferred to the comprehensive planning authority and functions of the county.

Objective 2:

Promote new and retain viable waterfront businesses.

- 1) Change strategy 2 to read 'The think tank should as a minimum revisit the two recommendations...'
- 2) While promoting new and retaining viable waterfront businesses is important, this objective shouldn't be limited to just the business community. The stated goal is to balance environmental sustainability with economic viability, but the local economy both depends on and affects all stakeholders - not just waterfront businesses. The investments of all stakeholders should be protected. The value of residential properties around the lake is already threatened by the effects of sedimentation and invasive SAVs, particularly in the southern end of the lake, and worsening conditions will have a very negative impact on the entire County and region. Recommendation: Reword objective to "protect and balance all stakeholder investments in the watershed to protect economic viability and environmental sustainability", and revise or add strategies to support this change in the objective.

Response

Change to "is" the responsible
No change. Objective is specific to focus on commercial development.

No change.
SC satisfied with the language of the plan and recognizes that the entire plan is focused on supporting environmental sustainability for other stakeholders. Narrative expanded to include why waterfront businesses were called out as a focus area in the recommendations.

3) Revise objective to 'protect and enhance the economic viability, stakeholder investments and environmental sustainability of the Deep Creek watershed'. Objective 7 calls broadly for balancing 'environmental sustainability and economic viability'. This entails protecting and balancing the interests and investments of all stakeholders, not just a small, influential subset. Economic prospects for Garrett County depend on protecting and enhancing watershed economic, recreational and environmental values. Declines in property values or business potential reverberate across all stakeholders. Recent reports suggest that worsening lake and watershed management challenges will further devalue the property of many stakeholders, especially in the southern half of the lake. Sidestepping that painful reality, the objective focuses not on helping all watershed investors or the overall economy, but on 'promoting and retaining viable waterfront businesses'. The commenter goes on and those comments can be found in Greenberg_8_22_14.

Same response as above.

Objective 3:

Insure that gas drilling and extraction has minimal impact in the Deep Creek watershed.

1) The current Marcellus drilling plan is also flawed as it allows permitted drilling in the watershed of the lake. Do we not need to protect a major resource of the region, water? We are already seeing the effects of population density in the west, ie California, on water resources. I have a strong feeling water may well become more expensive than gasoline in decades to come, perhaps fueling water wars that were surfacing some years ago in the South when drought was prevalent. Who is allowed to use what resources? Here again intelligent foresight, with courageous planning would appear in order. Protect one of our abundant resources for years to come and become a model for such initiatives. Rejection of the current watershed plan with specific corrective action plans will take courage and direction for alternative measures of replacement.

SC took a vote and the motion to retain the original subcommittee objective and strategies was passed.

2) The argument that prohibiting drilling in the watershed "unfairly restricts" property owners from capitalizing on natural gas development, fails on its face. Locating well bores outside of the watershed still allows property owners to sell their gas through horizontal drilling. This is an excerpt from Robison_8_23_14. It is 10 pages in length and all referring to this goal and objective. Please read.

Same as above

3) "Minimal impact" of gas drilling and extraction is not sufficient to protect the watershed. The stakes are simply too high to allow risk to the economic and environmental benefits of the lake and its watershed. Any accident, whether on a drilling pad or on Garrett County roads has the potential to cause irreparable harm that would ripple throughout the local economy. The decision of whether to allow drilling in the watershed should not be left to others who may act out of interest apart from those who live and have businesses in the watershed. The subcommittee on Impacts of Development recommended that gas drilling should not be permitted within the watershed. Recommendation: Restore the recommendation of the Impacts of Development subcommittee that gas drilling not be allowed within the Deep Creek watershed.

Same as above

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 4) In my opinion no gas drilling should be done in or near the Deep Creek watershed. This would only be a detriment to the quality of the resort area that the entire County depends upon. It could definitely impact the lake water quality. | Same as above |
| 5) I support the position taken by the Garrett County Board of REALTORS particularly as they pertain to gas well drilling in the lake watershed. The state and county assured us that the plan would be science driven. There has been no evidence brought forth to the committee to suggest that gas drilling in the lake watershed will "improve it's environmental stability and economic viability" (the goal of the plan). This comment is from Durham_8_21_14. Please read that document for the rest of the comments. | Same as above |
| 6) Restore the recommendation of the Impacts of Development subcommittee that gas drilling should not be permitted within the DC watershed. Allowing fracking in the watershed will put at risk its economic, social and ecological sustainability. It will lower property values, tax revenues and the amenity value of the formerly rural - soon to be industrial - landscape. The energy, oil and gas interests behind this shortsighted and self-interested decision represent a small minority of watershed citizens and stakeholders. The reversal of subcommittee recommendation by the Steering Committee is counter to their stated purpose, undermines the neutrality and credibility of the planning process and harms the watershed. The SC's decision to reverse the subcommittee recommendation raises apparent conflict of interest issues. The appearance is of energy interests influencing the watershed plan - in a negative way for most stakeholders. The optics of this policy maneuver will alienate stakeholders and undermine the credibility of those trying to implement the watershed plan. | Same as above |
| 7) The proposed Deep Creek Lake Watershed Management Plan includes provisions that support the drilling for natural gas, particularly through the development of the marcellus Shale geologic formation and the issue commonly known as "fracking". The Garrett County Board of REALTORS opposes gas drilling in the lake watershed. The GCBR's full statement can be found in GCBR_Drilling_8_13_14 and they supplied supplemental documentation found in GCBR_Drilling_Supplemental_Muelenbachs_et_al and GCBR_Drilling_Supplemental_Throupe. Please review these documents. | Same as above |
| 8) I would also have expected that the document would consider if there are subsurface easements for mineral rights or natural gas and, if so, what impact extraction could have on the watershed and water body. Perhaps the State should consider acquiring all subsurface rights under the waterbody and buffer strip and extending outward by a distance that is set by typical maximum lateral drilling systems now in use elsewhere. | Same as above |

Goal 8: Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions.

Akwardly worded. Goal has been reworded.

General Comments:

Response

NO COMMENTS

Objective 1:

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.

1) Change the statement in Strategy 1 from the mentioned offices "will" provide a list to "can possibly" provide a list. The plan cannot do "will". It can do "suggest" or "can possibly" or similar statements that suggest a possibility.

No change. Entities are committed.

Objective 2:

Design and implement a stormwater best management practices incentive program.

1) Combine objective 2 & objective 3

SC determined objectives are different enough to warrant separation

2) I respectfully offer for your consideration a suggestion for the Deep Creek Watershed Management Plan that the Garrett County Board of Commissioners take the necessary steps to adopt a storm water management real property tax credit for property owners living in the Deep Creek Lake Watershed who undertake approved methods to reduce stormwater runoff and prevent it from reaching or polluting the lake. Please refer to the rest of this comment in Crawford_8_23_14.

Specific mechanisms for financing will be part of the development of the financing strategy and will be submitted for consideration as the implementation progresses.

Objective 3:

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.

NO COMMENTS

Goal 9: Protect the watershed from the adverse effects of impaired septic systems and ensure adequate capacity and management of public sewerage systems.

General Comments:

1) I am extremely concerned with the sewage spillage that has occurred several times from the Garrett County Public Utilities into Deep Creek. Any other entity would receive a very heavy fine for such incidents. Why doesn't DEP step in when this occurs? Are they notified? I am sure they would be interested. This definitely is not what we need to continue and will have an effect on the water quality, don't you think?

Response

No change. Addressed by plan and county partnership

2) Base decisions on septic and sewer management on a more complete knowledge of their status and performance. Aging lakeside septic systems may be contributing significantly to nutrient loads. But not enough is now known about watershed septic system risks or failures to guide a management decision of the sorts specified in the draft WMP. Before recommending actions on septic systems or sewer, decision makers will need more information than is now available on the characteristics and contributions of watershed septic systems to nutrient loads. Because data appears incomplete, the draft WMP is not able to establish that its recommendations - BATs for septic systems or sewer connections - are appropriate or cost effective responses. The WMP should acknowledge this gap, indicate through strategies in Goal 9, Objective 1 that it understands how the gap can be filled, and link the resulting information to a policy decision about responses. This step could possibly also fit under Goal 3.

No change. Knowledge gaps will be identified by plan.

3) Public sewerage needs to eventually (hopefully within 20 years) cover the entire Deep Creek Lake shoreline. Many of the existing grandfathered septic systems are inadequate, especially during rainy summers such as the current one. This inadequacy is allowing leaching of septic system byproducts into the lake; combined with waterfowl (mainly the geese) droppings, there is an increased health risk for those using the lake for recreational purposes.

No change. Don't know extent of problem. Knowledge gaps will be identified by plan.

Objective 1:

Encourage the use of Best Available Technology (BAT) septic systems within Deep Creek watershed.

1) Edit the objective to read "Use of Best Available Technology (BAT) septic systems within the Deep Creek watershed" and edit strategy 3 to read "Distribute information regarding BAT systems to every new home applicant".

No change

Objective 2:

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 so that it complies with BAT or best management practices as appropriate, to include relevant training.

1) Edit the objective to read "Expand public sewerage as outlined in the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system so that it complies with BAT or best available management practices as appropriate, including relevant training".

Changes made: Expand public sewer consistent with the draft water and sewer plan.

2) My area was serviced with sewers in the late 80s and I think all the lake should have sewage. Our areas are done and we were the pioneers in placing these lines to protect the lake. I do not think I should have to pay anything again for sewage improvements in other areas. I already paid for my lines and tap and processing. Developers were allowed to develop land and leave without banking monies for their infrastructure. After our area sewers were put in, then another area was allowed to be developed and septic systems were installed. Yes, septic systems do leak, but probably they are slowly seeping into the lake. Not like the public utilities that just pumps thousands of gallons in at a time due to negligence or system failures.

No change

3) Review and revise this objective, which calls for sewer connections to be promoted in the watershed. Do not use the WMP as a vehicle to impose sewer connections without a much more deliberate and public discussion. Do not let debt repayment considerations for sewer systems determine the justification for extending sewers where a clear rationale cannot be demonstrated. Available information does not support the current objective. Sewer may or may not be a necessary or cost effective solution to the specific challenges of the DC watershed. It is important that the draft WMP not predetermine septic or sewer as a recommended action prior to gathering needed information. This is particularly the case if the purpose of the WMP is to manage growth rather than simply to stimulate it - as is the almost inevitable impact of sewer connections. As the intro section to Goal 9 states, sewer systems may be helpful where groundwater quality is at issue. The septic seepage and flows most at issue in this case seem not to be of that type. Instead, seepage of surface or slightly subsurface flows from aging or inadequately designed lakeside septic systems seem to present the greatest risks of contributing to in-lake nutrient loads. BAT refits for leaking septic systems may be more appropriate than sewer connections. Potential service areas for the sewer system may not have the same nutrient risks or subsurface characteristics as septic systems in proximity to the lake.

No change

4) The County needs to develop more explicit and compelling language about the need for "redundancy" in the mains used to deliver sewage from the areas served to the treatment plant at this time and as the system expands... My recommendation is that the plan (Water & Sewer Master Plan) not be adopted until some study is given to having the pumps and controls be capable of directing all waste from the existing systems be directed to either the existing main, or, in the event of a break in the existing mains from Route 219 to the treatment plant, then to shift the flow to the Western Conveyance once it is in place, at least as an interim measure. Alternatively, the plan could call for such a study and be amended as warranted following appropriate review.

No change. Outside scope of plan.

Goal 10: Preserve and enhance the quality of recreational opportunities while ensuring that those opportunities are in harmony with environmental stewardship.

General Comments:

1) A number of grammatical changes were provided .

2) It is not clear how the stated objectives will result in achievement of this important goal. More comprehensive in-lake and watershed management steps are needed, not just better databases. More public access points are definitely needed to allow non-lake residents the opportunity to enjoy the lake, which will help sell the idea that they need to participate in watershed management to protect it. But the impacts of more boat traffic and the likelihood of importing more invasives should be considered before implementing. Objective 3 should create a model for stewardship of public lands throughout the watershed, not just at the State Park. Recommendation: More work on development of meaningful objectives and strategies should be done before adoption of the WMP.

3) Reassess if/how Goal 10's three objectives of improved DNR data systems, increased access for off-lake boats, and improvements to DCL State Park can accomplish its mandate for the whole lake and watershed, which is to 'preserve and enhance the quality of recreation while ensuring environmental stewardship'. Beef up the WMP's analysis of the challenges to expanding recreational opportunities while prioritizing environmental stewardship. Create an in-lake management agenda capable of ensuring this critical outcome. Goal 10 sets out a worthy purpose for watershed management. But the stated goal is much more ambitious and challenging than can be accomplished through its three very limited objectives. Goal 10 will not be achieved unless the scope of the WMP includes proactive in-lake and watershed management. If Goal 10's three objectives will not be significantly broadened to acknowledge the scope of watershed management challenges, then the Goal language should be revised to more accurately represent the much diminished reality of what will actually be accomplished.

4) The plan states "Recreation is the primary reason for making Deep Creek Lake and the surrounding watershed a vacation destination". DNR's lake regulations state that one of the purposes of those regulations is the "furtherance of its highest use as a recreational resource". However, there is minimal discussion in the plan about how to manage lake surface recreation in the future. The plan is almost silent in this regard. The plan should establish goals and strategies dealing with lake surface recreational trends and address the need to enhance and sustain the quality of the overall visitor experience. This includes such things as fishing, boating, swimming and emerging lake surface recreation/boating technology and trends.

Response

To be reviewed by editor.
No Change. These are strategies that the Park Service wanted in the plan.

Language added to the background section to clarify the relationship between in-lake management and watershed management .

DNR Lake Management Office currently assesses trends. Focus needs to be on water quality as good water quality means good recreation. No change.

Objective 1:

The DNR Lake Management Office should upgrade their buffer strip and conservation easement land use monitoring, lake and land use permitting and boating count databases.

1) Clarify in the WMP how the recommended upgrades in DNR Lake Management Office computer & data systems will translate into 'improved quality of recreational experiences in harmony with environmental stewardship'. Upgraded data systems seem a worthy investment to improve the efficiency of the LMO. But they are not directly related to recreational experience or ecosystem health. Similarly, the DNR's acquisition of internal data systems whose purpose is - as stated in Obj 1 - to facilitate its enforcement of buffer strip rules, regulations and revenue generation, is unlikely to improve in-lake or watershed management. It is, however, very likely to diminish enthusiasm about the WMP among watershed stakeholders. The DNR and SC should much more clearly describe in the WMP how new computer systems will address the pressing sustainability challenges faced by the watershed. The key issue - not addressed in the WMP - is how the LMO might wish to manage the lake so that improved quality of recreation and environmental stewardship are more likely outcomes. Policies driving active in-lake management are central; computer systems, incidental. This is a good opportunity to indicate how a more efficient and effective LMO might operate, so DNR and the draft WMP should use the opportunity to make the case.

The PRB should evaluate this and determine the upgrade specifications and benefits.

Objective 2:

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

1) Revise so that it 'Preserves and Enhances' the recreational opportunity for all watershed residents and stakeholders. The current wording focuses on operators of off-lake watercraft, not all watershed residents and stakeholders.

Modify "with a focus on non-motorized craft and activities"

2) Revise the strategies for preserving and enhancing recreational opportunities so this does not rest simply (and wrongly) on expanding public access to the lake. The draft WMP seems to take the position that increasing the number of watercraft on the lake equates to improving the overall lake recreational experience while also making it more sustainable(!) This section of the draft WMP reflects magical thinking in which these incompatible outcomes are simultaneously possible. This flawed understanding will not enable sound watershed management. The WMP should provide wise counsel on the clear trade offs between simply promoting recreational access on one hand (e.g. Obj 2), and on the other hand committing to 'preserve and enhance' the quality of recreational experience while reducing its environmental impact (Goal 10).

Addressed by modifying the objective: "with a focus on non-motorized craft and activities"

Objective 3:

The Maryland Park Service will enhance recreational opportunities and green infrastructure at Deep Creek Lake State Park and be a model for stewardship of public lands.

1) Revise objective to apply to the watershed as a whole, not simply to the State Park and other lands managed by the DNR. The DCL State Park is a small subsection of the watershed and lake. However well managed it may be, unless the rest of the watershed is managed for similar outcomes, its quality of recreation and sustainability will not be protected.

Deleted "public lands" to broaden the Park Services role as a model for public and private lands.

Goal 11: Maximize the retention of forest cover to protect high-value aquatic and terrestrial natural resources.

General Comments:

Response

NO GENERAL COMMENTS

Objective:

The County and State will work together on planning for conservation of high value and sensitive resource areas in development areas.

1) Change wording to "Develop a plan for conservation of high..."

No Change. Keep entities identified.

2) Change strategy 2 to read "Identify opportunities for forest retention in development areas"

No Change. Keep entities identified.

3) Strengthen the activities and expand the Objectives of Goal 11 to actually commit the County, the State of Maryland, the DNR and other agencies to working together for forest retention, and to reduce the impact of forest economy on watersheds. Present language calls for the agencies to 'work together on planning', and to 'identify opportunities' to work together. This language should be strengthened to indicate a commitment to actually working together. This seems like a very modest section, and thematically linked to other Goals. Might it be consolidated with other goals (e.g. Goal 4, 6 or 7) to condense and clarify?

No. Change. Signing the document demonstrates working together.

Goal 12: Assure that the water appropriation analysis and allocation methodology for Deep Creek Lake provides a fair distribution of water for all users, especially during the months of May through September

General Comments:

1) It appears that the level is being kept closer to the upper rule band to placate the vocal group of landowners on the shallow portions of the lake. My observation is that there is less protection and resulting erosion is worse at these higher levels.

2) The regulatory changes contained in Goal 12 of the report will have significant impact on fisheries and other commercial recreational users and were ill-considered in the process. The current and past position of the MAC-TU is that we strongly support continuation of the cold water release from Deep Creek into the Youghiogheny River during periods of hot weather that require following the Temperature Enhancement protocol in item 16 of the permit for Brookfield Power Piney and Deep Creek LLC. The protocol outlined in the permit has demonstrated that it can maintain the Youghiogheny trout fishery below the dam. It has also been shown that any significant deviation in the cold water protocol causes irreparable loss of trout in the fishery that takes years to recover. We plan to work with DNR to maintain that fishery. MAC-TU welcomes a truly independent study of the impact of any proposed regulatory changes that can protect and conserve that trout fishery in Youghiogheny River below the power plant.

3) I feel that the recommendation that the lake levels sub-committee reported to the SC did not address solutions to the issues and problems that exist because of current water level management. The Management Plan only requests DNR to evaluate possible solutions. The suggestions and results do not address the following: How water levels directly affect the water quality of the lake; How water levels directly affect the water temperatures that increase the growth of SAVs; How excessive SAVs along with low water levels increase the buildup of sediment in the 10 impacted coves; How sediment in the 10 coves have reduced boating, swimming, etc due to low water levels.

4) The plan does not address lake levels as a major component to lake aging.

5) Why does the Watershed Plan not require that lake level protocol set by the MDE to be reviewed to meet today's dynamics? Present rule bands are no longer realistic due to sediment in coves. Present rule bands do not adjust to drought years and hot summers.

Response

Acknowledge in the narrative that higher water levels are perceived to worsen shoreline

No Change: A part of the study will address the TER protocol. No regulatory changes are being proposed.

No Change: Change in water levels that affect temperature and impact on SAVs will not be addressed by the study but can be evaluated by the PRB. Sedimentation in 10 coves will be addressed by sedimentation monitoring and assessment.

Discussion of the natural process of lake aging has been added to the background section. No change in
No Change: Consultants could address rule bands.

6) I am most concerned with the issue of water levels in the Lake caused by the discharges to keep the Youghiogheny River cool for the trout and water for the white water rafters. If we go back to pre Deep Creek dam times (before 1925), you would find that when it didn't rain, the Youghiogheny's flow decreased thus making rafting difficult. When it rained a lot, the river provided good opportunities for rafting and fishing. We are now trying to alter the natural order of water flow by mandating constant discharges from the Lake to artificially support the river. Serious consideration must be given to developing a discharge plan that takes into account the amount of rain that fills the lake. When it is hot, evaporation increases, rainfall is reduced, stream flow that fills the lake is reduced, and even without discharges from the dam, the lake level is lowered. As a property owner on the Lake, I expect to suffer with everyone else when there is reduced rainfall. I do not expect to suffer to a greater degree than others, which is what is happening now. Lake property owners are forced to suffer disproportionately compared to fishermen or rafters when there is reduced rainfall in Garrett County. This is unfair since the Lake property owners provide a significantly greater proportion of the County's tax revenue than do fishermen or rafters. The dam discharge protocol must be revised.

No Change: Addressed by consultant

7) I would have expected a comprehensive document to at least note that the present dam and turbine valves do not provide any means by which to effect an "emergency drawdown" such as might be required if a flanking roadway, such as Route 219, collapsed into the lake, the repair of which could demand such a step. This is more acute when turbines are under repair and the valves are shut for the duration of the repairs. Both of these have happened in the past decade. Risks exist that should be noted and addressed. What would happen if the dam showed a stress crack? Relief should not be unavailable to protect the dam and downstream resources.

No Change: Good question but beyond the scope of this plan. DNR will check with MDE.

8) The direction that the draft has taken in regards to lake levels has devastating consequences for the Town of Friendsville. Furthermore, the Draft appears to suggest that tax payer money be spent on an independent engineering firm to accomplish what our tax dollars have already paid for with the DNR. And all of this for less than 150 properties affected by low water. I am prepared to debate the amount of properties affected by low water. The property count made by the POA and Morgan France is grossly inaccurate and misleading for the very reason as to make it look like all this effort is for a good cause. Sorry, it's only less than one hundred affected properties and I can prove it.

No Change: to be addressed by the study.

Objective 1:

MDE considers the development of a water budget that affords equitable allocation of the resource

1) Change the objective to read: "Develop a water budget that affords..."

Objectives and strategies have been revised to clarify MDE's role in reviewing and accepting results from the proposed water budget study

2) Strategy 1: I don't understand what this strategy is supposed to accomplish.

Clarified as above

3) Strategy 2: I feel that the steering committee should not have changed the word 'stop' to 'minimize' with regards to water releases that go below the water level lower rule band. Why does the Watershed Management Plan not have the power to manage to solve problems? Water releases below the lower rule band can be stopped by: a) maintaining the lake at full pool as long as possible; b) maintain sufficient water above lower rule band for temperature release; c) use a better temperature release protocol that uses less water.

No Change: "stop" would impact the fish and this would have to be addressed in the permit.

Objective 2:

DNR Power Plant Research Program continues to refine the protocol for temperature enhancement releases

1) The most efficient source of renewable power is from hydro generation. The role of water releases in the health of the lake should not be underestimated.

No change

2) This is not an objective; it is a strategy. The objective and strategy #1 say the same thing.

Objective 2 and the strategy have been combined and moved under Objective 1. DNR Power Plant Research Program would also incorporate results of the independent study to refine TER protocol.

Goal 13: Improve access to navigable waters for property owners who typically have shallow water during the summer months

General Comments:

1) Create a preamble that states: Remedies to address lake level issues in the shallow coves are recommended to offer relief to affected boat slip owners. On an administrative level, communications with new property owners should be improved so that they are more aware of any potential limitations experienced as the lake level lowers throughout the season. DNR has studied the possibility of dredging the lake coves, but, as the lake owner, determined that this is not a cost-effective option for the state to undertake. (See the Decision Matrix in the DNR document, *Deep Creek Lake: A Sediment Study*, October 2013, <http://www.dnr.state.md.us/ccs/pdfs/dclwmp/DCLAlternativesFinal.pdf>.) However, should individual property owners or a group of property owners desire to initiate dredging on their own, a process needs to be developed and guidelines need to be put in place to assure the practices are implemented in accordance with DNR and MDE requirements.

Response

No action

2) The people who own properties in the southern end of the lake purchased them years ago. Their coves were grass free and they were able to navigate. I am concerned for them. Now they may need to sell their properties due to retirement, and find the investment they made has decreased considerably in value, due to lake changes with sediment, and SAV which is changing the lake levels.

No action

Objective 1:

Develop strategies to assist property owners in areas that typically have low water levels during the summer months.

1) Strategy 2: GCBR opposes the real estate closing requirement proposed in the plan. This proposal raises serious legal questions in the area of real estate and contract law, areas outside of the jurisdiction of the DNR and county. Current REALTOR managed real estate contracts in Garrett County provide a formal notice regarding docking, lake issues and conditions. The contract documents direct buyers to DNR if they have questions. There are also practical implications, and limitations, of administering this proposed obligatory act. DNR currently provides a docking eligibility report upon request. Our experience is that they are agreeable to meeting with the public to answer any questions that they might have about the lake or certain docking situations. We are supportive of them also providing water quality and depth data, if it is available and when requested. The lake management records are a matter of public information and people can now examine them through the DNR office. However, to make this a mandatory contractual requirement is excessive and not needed. Our understanding is that this requirement came up within the context of a hypothetical public concern associated with the lake levels issue, that being that the rise and fall of the lake has created real estate disclosure problems. That perception is not supported by fact or by our experience.

Strategy revised to read "Work with the Board of Realtors to investigate mechanisms to assure that an eligibility report, prepared by the DNR Lake Management Office, is provided to property buyers at the closing of a property transfer..." SC agreed it was important to make sure this information was clearly communicated.

2) MAC-TU's only immediate recommendation is that MD DNR immediately review their lake dock permit regulations. We feel that all docks should be allowed to reach suitable deep water such that boats can be used during the Lower Rule Band period each summer. We are willing to work with DNR on this process. For example, we would suggest that any dock longer than 40' be lighted at regular intervals at all hours of darkness, including a brighter light at the far end of the dock. An immediate revision of the dock regulations would provide the local home owners along the lake shore with considerable relief during low lake level periods starting next spring.

No change

"Develop strategies" is not an objective.

Language revised

Objective 2:

Consider dredging to the original lake bottom contours.

1) Recommend conditions the State must agree to develop, implement and finance dredging of the 10 sediment impacted coves within the next 3 years.

No change

2) Why does the plan not look and recommend dredging of sediment impacted coves as a solution to water level problems?

No change. Not a solution.

3) Why does the plan not recognize sediment as a water quality issue of an aging lake? The importance of sediment accumulation and water quality is central to an aging lake. This plan totally ignores this dynamic. Sediment is the catalyst for the aging process.

Will include this concept in narrative which describes aging process of lakes.

4) Revise Strategy 2 to specifically establish the State of Maryland's responsibility for managing or remediating sediment in DCL. This is essential because sediment is the driver for impaired recreational/boat access during the summer months. The State of MD owns the lake and must assume lead responsibility for its protection and enhancement. Other stakeholders should also be involved. There is no rationale for Strategy 2's definition of dredging activities such that only private or county-led initiatives 'are possible'. The State and the DNR have been avoiding this issue for years, and are now attempting to make others responsible for maintaining its lake property. The funding issue is critical, as mentioned above. Presumably, Strategy 2's funding search will involve not just private landowners, but the State, MD/DNR and County as well.

Is addressed in plan through the MOU.

5) The role of the State in dredging is absent. Removal of sediment is a lake wide issue, and should not be left as a responsibility of landowners in the affected coves. The State owns the lake and should lead the effort to manage or remediate the problem, with the involvement of other stakeholders in the final decision about whether or not to dredge and how to finance it. Revise Objective 2 to include State responsibility for managing or remediating sediment in the lake, and include a strategy for developing a financial plan that includes the State, County and lake property owners.

Is addressed in plan through the MOU. The financing strategy is addressed in Goal 1 Objective 2.

6) Sedimentation has already shown its effects in the southern coves. While the majority of the lake has not been visibly affected it is only a matter of time before it occurs. There is no plan at present to deal with its future problems. Monies should have been designated for use there long ago, and even today no funds are provided for that future requirement, dredging. Do we not have some vision, plan for the inevitable? I am sure sedimentation will not affect my lakefront home in my lifetime, but it will for future owners of this property. We certainly have the intelligence to initiate the means to deal with something we know will require abatement. Why not plan for the future and begin building funds for that purpose? We plan for college costs, and retirement income, why not something that will affect and is affecting current owners properties, its values and related tax for the county. We are smart, but also need to be courageous.

No Change. Funding issues to be addressed through Goal 1, Objective 2.

7) Dredging does nothing to address the source of the sedimentation problem. Further, it may worsen the SAV issue as the problematic SAV's are heartier and their spores are more likely to survive the dredging operation and promulgate in the years following the dredging operation.

No change. Sources of sedimentation also addressed in other goals