

Deep Creek Lake Policy and Review Board

Quarterly Meeting Minutes

Monday January 6, 2020

In Attendance: Chairman Bob Browning, Bob Sutton, Robert Kelly, Steve Green (for Senator Edwards), Patty Manown Mash, Jim George, James Bailey, Marta Schroyer, DNR: Eric Null, Julie Bortz, Bruce Michael, Emily Vainieri, Sgt. Mike Friend, Sgt. Walter May

Action Agenda

Chairman Browning asked Mr. Null for the status of the October meeting minutes. Mr. Null stated they were approved and posted to the NRMA web site on December 4, 2019.

Old Business

Canada Goose

Chairman Browning asked Mr. Null for an update on the goose hunt. Mr. Null stated that the goose hunt was held on Thanksgiving week as usual and he was awaiting the harvest reports from the Wildlife and Heritage Service.

Lake Management Budget

Chairman Browning asked Mr. Null for an update on the Lake Management Budget. Mr. Null stated that he had given the Board a summary of the total budget, expenditures to date, and projected expenditures. He stated that most of the major expenditures for the fiscal year had not been received as of the meeting date. He also stated that the State Lakes Protection Fund fish habitat project was moving through project review in Annapolis.

Mr. Kelly asked about the shoreline erosion cost share program status. Mr. Null stated that it is also a State Lakes Protection Fund project where eligible applicants can apply to receive a \$10,000 reimbursement toward their shoreline erosion control project. Chairman Browning asked how deep the fish habitat structures will be installed. Mr. Null stated they would be placed in 10-18 feet of water. Mr. Null stated that he did have to make an emergency purchase of a \$2,400 generator due to the December ice storm that left the lake management office with out power for several days.

Mr. Kelly asked if MDE and Lake Management had decided on the three approved types of shoreline erosion control methods. Mr. Null stated that they had three working designs that will handle all types

of erosion around Deep Creek Lake. Mr. Kelly asked Mr. Null if he could compose a flier with images of the three types. Mr. Null said that they would start working on that when the snow cleared off the walls.

Water Quality Monitoring Update

Mr. Bruce Michael stated that the winter 2020 update would be available tomorrow after they had to correct a few grammar and editing errors. He stated that the launch steward program inspected over 3,600 boats in 2019, which was slightly less than 2018 probably due to the weather in the beginning of summer. He stated that the stewards found a boat with zebra mussels attached this year and informed the owner that he had to clean the vessel thoroughly before launching into Deep Creek Lake. The steward prevented another introduction of invasive species into Deep Creek Lake.

He stated that they had held the open house meetings for public input for the second year of the State Lakes Protection Fund. He stated that DCL received most of the funding the first year and he anticipates that it will stay the same this year. Mr. Michael stated that the second year of zebra mussel monitoring has been completed. No zebra mussels were found, and chemical data is indicating that DCL does not contain preferred water chemistry for zebra mussels. Though the chemistry is not preferred, the mussels can still survive in the lake if introduced. He stated that they are continuing with their long-term water quality monitoring program. He stated that the continuous monitors have detected increases in some coves of turbidity associated with storm events.

He informed the Board that they completed Hydrilla monitoring and treatment for the 2019 season. No new Hydrilla was found and the State Lakes Fund was used to cover the cost of the program, since there was no dedicated, budgeted funding in the state for AIS control.

Sky Valley Minimum Wake Request/ Wake Boat Update

Mr. Steve Green, Chairman of the Minimum Wake Request Committee asked for a moment of silence in remembrance of Paul Weiler, a member of the committee, PRB and President of the Deep Creek Lake POA, who recently passed away.

After a moment of silence, Mr. Green refreshed the Board on the committee meetings and the Sky Valley petition. He stated that the original proposal asked for the area of minimum wake to include the entire area beyond the No Tow Zone. After public comment and review Sky Valley and the committee decided that the proposed area would impact an existing marina and possibly ingress egress traffic from the neighboring docks. All decided to propose an Option B, that relocated the minimum wake zone to the cove where Sky Valley's docks were located. This option was chosen because it fit BAAC criteria and eliminated the chance of a boater at full speed turning into a blind area full of moored boaters, kayakers, paddleboarders, and swimmers. He stated that a public meeting and comment period were held to seek public comment on Option B.

Mr. Green stated that most comments received were in support of the new minimum wake area. Only a few people were in opposition of the proposal. He stated that the opposing members of the public seemed to oppose the proposal due to the possible proliferation of minimum wake areas in DCL. Mr. Green stated that the subcommittee came to a unanimous conclusion to recommend to the Board that

this proposed new regulation be sent to the BAAC for review and consideration. Mr. Green compared the Sky Valley area to the BAAC criteria for a minimum wake zone to illustrate how Sky Valley meets the criteria.

Chairman Browning asked for a motion to submit the proposed minimum wake zone to BAAC for review and consideration. Ms. Manown Mash made the motion, Ms. Shroyer second the motion. Mr. Bailey asked if these requirements were to be used for another request. Chairman Browning stated the BAAC requirements would be used for any future requests to quickly evaluate the eligibility of an area for a minimum wake zone. Chairman Browning asked for all who were in favor of the motion. All were in favor except Mr. Bailey, who opposed the motion and Mr. Sutton who abstained from the vote. The Chairman stated that the majority were in favor, the motion passes.

Brookfield Water Appropriation Permit

Dr. George stated that public comments have been received and MDE is responding to the comments. He stated that there were many comments and that several MDE employees had to be recruited to help answer them. He informed the Board that due to the large volume of comments that still need responses the deadline date for the permit had been exceeded. He stated he spoke with John Grace and they do not have a new completion date but anticipate it will be before the beginning of the boating season.

Wake Boats

Chairman Browning asked for a wake boat update. Mr. Null stated the Mr. Gary Aronhalt had some information on the wake boat topic from the County. Mr. Aronhalt stated that the University of Maryland been in contact with the County about a possible research project for one of their master's degree programs. He stated that the Administrative Council and the County reviewed the request and suggested wake boats as a potential topic. The students researched literature and regulations throughout the United State pertaining to wake boats and impacts of wake boats on lakes. He stated that there had been no quantified research done on the impacts of wake boats to shoreline erosion. He stated the most western states were concerned with the potential of wake boats introducing aquatic invasive species due to their ballast tanks. The project found that several states have assembled committees to assess wake boat impacts, but those committees have not begun their evaluations. He stated that the recommendations from the project were education and outreach on proper and courteous operation of wake boats and following existing regulations until more research on the topic is completed.

Publicizing Deep Creek Lake

No new information was discussed on this topic

Correspondence

Mr. Null stated that he had sent the Board for their review and comment an application for additional commercial rental slips at the Aquatic Center, due to their new land acquisition. Chairman Browning stated to the Board that Mr. Null's responsibility is clearly defined on the approval of commercial slips and that the directives of the Board promote public commercial access to the lake. He stated that the assignment of more slips in the McHenry area has positive and negative aspects. He stated that there is a large volume of commercial boats in that area, but zoning regulations only allow commercial development within that area.

Mr. Kelly stated that he was concerned about the amount of traffic and boat storage in the Town Center area. Mr. Bailey expressed concerns with the over crowding of the McHenry area and asked Mr. Null if there were any studies on the congestion in that area. Mr. Null stated that in the Town Center area the amount of commercial and rental slips is lower than it was over 20 years ago. Mr. Kelly stated that the amount of slips in the area were not an issue, but there were multiple other businesses in that area that increased congestion on the roads. Mr. Null stated that private commercial development was out of his jurisdiction. Mr. Null stated that when someone applies for commercial slips, they must first have county approval that their business will have enough parking and infrastructure for the addition of the new slips.

Chairman Browning stated that he was also a member of the County Zoning Board and the question and concern of the over development of the area is a County question. Mr. Null stated that the denial of a commercial slip application would involve that the application violated one or more of the nine criteria used to determine slip allotments, if none of the criteria were violated the application would be appealed and awarded based on its adherence to the nine COMAR criteria.

Ms. Emily Vainieri updated the Board on the Shoreline Erosion Control Cost Share Program. She stated that through the State Lakes Protection Fund money has been secured to provide \$10,000 to eligible applicants to reimburse them for some of the costs associated with installing shoreline erosion control on DCL. She stated that for the state to issue a check to a private individual, the program must be extensively reviewed by the Attorney Generals Office. Currently the project is being reviewed.

Chairman Browning asked Sgt. Friend and Sgt. May if the Board could be sent a breakdown of citations issued on DCL in 2019. Sgt. Friend stated that he would compile a list of the citations.

County Commissioner Update

There was no update by the County Commissioner

Public Comment

Ms. Carol Jacobs stated that she wanted to thank Bruce Michael for his hard work on the AIS committee. She stated that she wanted to address the parking issue that was brought up when the Aquatic Centers permit was discussed. She stated that she now has 30-40 additional parking areas to accommodate the new slips. Ms. Jacobs asked with the law going into effect that prohibits the use of Styrofoam containers

would there be any businesses interested in joining her to research suppliers of biodegradable containers to replace Styrofoam containers.

Ms. Karen Myers asked if there were many complaints about loud speakers on boats? Sgt. Friend stated that they get a few complaints but to keep in mind that the lake is a state park and the quiet hours of state parks are enforced on the lake.

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

The next PRB meeting was scheduled for April 27th at Garrett College

Respectfully Submitted,

Eric Null

Lake Manager

DCL NRMA