

## Deep Creek Lake Policy and Review Board

### Quarterly Meeting Minutes

Monday July 30, 2018

In Attendance: Chairman Robert Hoffman (for Chairman Snook), James Bailey, Bob Browning, Robert Kelly, Steve Green (For Senator Edwards), Marta Schroyer, Larry Iden, DNR: Eric Null, Sgt. James Satterfield, Bruce Michael, Julie Bortz

#### **Action Agenda**

The meeting was called to order by acting Chairman Hoffman at 6:00pm. Mr. Hoffman asked for a motion to approve the minutes from the April meeting, Mr. Browning made the motion, the motion was second by Mr. Bailey, and all board members were in favor. The minutes were approved unanimously.

#### **Old Business**

##### **Canada Geese**

Mr. Hoffman asked Mr. Null for an update on the Canada goose hunt. Mr. Null stated that it will occur the same days as the previous year's hunts and that Wildlife and Heritage were advertising the hunt on their web site and that applications were being received for the hunt. Mr. Kelly asked Mr. Null for a report on the possibility of a depredation collection of the geese. Mr. Null informed that board that if they wish to pursue that option that it would be the United States Fish and Wildlife Service that would perform the collection but the first step was vetting that proposal through the Park Service Superintendent. Mr. Null asked if the board wanted him to send the proposal to the Park Service for review. The board was in favor of the preliminary review. Mr. Null stated that he would contact his regional manager about the collection.

Mr. Iden asked about the use of rocket nets for goose capture. Mr. Null stated that he asked wildlife about that option and that Wildlife and Heritage do not use them anymore due to serious injury to staff that can result in their use.

Mr. Kelly asked if farmers allowed people to hunt the geese would they be able to hunt on the farms. Mr. Null stated that with written permission from the farmer the public can hunt on the farms during any open goose season.

##### **Lake Management Budget Update**

Mr. Hoffman asked Mr. Null for an update of the Lake Management Budget. Mr. Null presented the board with the latest budget figures for FY18 and the projections for FY19. He stated that so far the budget is in the black \$162K for FY18 this number may change after the budget closed in the upcoming months. Mr. Null stated that he received a report from the Park Service Chief Financial Officer that the Reserve Fund was empty. He stated that the report that he received from the CFO was that excess funds

were being redistributed to cover departmental overhead. Mr. Browning stated that in law it is an independent budget. Mr. Null stated that he thought the same. Mr. Browning stated that something needs to be done about this problem. Mr. Browning asked if there was a hard copy report of the reserve fund. Mr. Null stated that he received the report by word and asked for a copy that he could distribute but never received the written report. Mr. Browning suggested that the board write a letter to the legislators to ask them what is going on with the Reserve Fund. Mr. Hoffman stated that he thought that this problem was fixed the last time it happened when Assistant Secretary Hoffman met with the board and that is particularly bothersome that the PRB or Lake Manager receives no written report of the Reserve Fund. Mr. Null stated that he tracked the Reserve Fund as he was instructed to by Assistant Secretary Hoffman, by subtracting all expenditures and the departmental overhead expenditure that the Assistant Secretary told him to use, what was left over went into the Reserve Fund.

Mr. Hoffman asked Mr. Null about the new Buy-Down money that was collected from the Conservation Easement sale. Mr. Null stated that there was around \$100k collected but that without a report of the reserve he can not track where it has gone. Mr. Hoffman suggested that the board write a letter to Secretary Belton to ask for guidance and information on this issue. Mr. Bruce Michael stated that he would talk with the new Assistant Secretary Allan Fisher to see if he can send a written report on the reserve fund. Mr. Browning asked how many water quality meters we could have bought with what should have been in the Reserve Fund, Mr. Null stated all that we needed.

Mr. Bailey suggested that the board write a letter to Secretary Belton, since that is who the board advises. Mr. Browning stated that the board was in an information gathering period on this topic and that the Senator and Delegate could help gather the information. Mr. Browning stated that this had happened before and asked Mr. Null to elaborate on that occurrence. Mr. Null stated that the occurrence took place in his first month as Lake Manager, and that a utility bill that was charged to Lake Management was what depleted the Reserve Fund, though the Lake Manager did not know how much this expense was or could see it being taken from the Reserve Fund. Mr. Null stated that a budget and finance committee meeting was held and that the problem had been solved with the budget and finance committee and Assistant Secretary Hoffman. Mr. Michael stated that he would talk to Secretary Belton on the issue. Mr. Kelley asked if Mr. Null was going to use some of the Reserve Fund in this fiscal year, Mr. Null stated that he was going to use some for the water quality monitoring project. Mr. Hoffman stated that he will talk to Chairman Snook and he will strongly advise that Secretary Belton be contacted as well as Delegate Beitzel and Senator Edwards. He also stated that the Lake Manager should have access to this fund so that they can manage the Reserve Fund.

### **Wake Boats**

Mr. Hoffman asked Mr. Null to update the board on wake boat complaints. Mr. Null stated that he had received 28 complaints so far this year and that the complaints were occurring in the southern end of the lake. He stated that NRP, BAAC, POA and lake management have been discussing several topics and wake boats are on that list. He informed the board that a new color coded map is being developed showing the areas of the lake that under current regulations do not permit operating at power, towing, and wake surfing. He stated that this map would be even easier to read than the contour map that was already on the DCL web site. Mr. Browning asked about the increase in mooring buoys on the lake. Mr. Null stated that more buoys have been placed with a permit on the lake, but they are only permitted one hundred feet from shore. Mr. Browning stated that there were some further than that early in the

year. Mr. Null stated that the Lake Management staff has been keeping track of the distances of the installed buoys and contacting individual that are in violation of the hundred foot rule. Mr. Browning stated that the contact appears to be working because not as many are out too far. Mr. Hoffman asked Mr. Null to state the rule for mooring buoys. Mr. Null stated that mooring buoys could be placed in an area of use by submitting a Buffer Strip Use Permit application. The buoy and any non powered vessel can not be more than one hundred feet from shore. If the buoy or swing of the vessel attached to the buoy exceeds that distance, then this is a violation that NRP can enforce.

Mr. Green asked of Mr. Null could supply the board with the number of mooring buoys that are permitted and if he could track the number every year. Mr. Null stated that he would check to see if their current state database could generate that report and if not he would inquire into building a data base that could. Mr. Iden asked if there was a standard for mooring buoy color and size. Mr. Null replied that the buoys must comply with the Coast Guard standard mooring buoy. The buoy must be of certain size and white with a blue stripe. Mr. Hoffman asked how the buoys were measured to check their distance from shore. Mr. Null replied that a laser range finder is used to check them.

Mr. Green stated that he called Mr. Null on June 21<sup>st</sup> regarding a multiple truck accident in front of Traders Landing. He informed the board that one truck spilled some fuel into a drain that went into the lake. He said that the county HAZMAT team was on hand and informed MDE of the accident. MDE was sending a team from Baltimore to the scene. Ne stated that the team did not arrive until 3-4 hours later. Mr. Green asked if this was the closest team to Garrett County. Mr. Green asked if the MDE HAZMAT team could give some hands on training to the State and County responders so that they would not need to come all the way from Baltimore. Mr. Browning stated that most firemen and responders have has mat training and that the real question is does Garrett County have enough assets such as absorbent and oil booms to handle a large oil spill if it occurs.

### **Water Quality Update**

Mr. Hoffman asked Mr. Michael to give an update on the DNR water quality monitoring. Mr. Michael stated that the first part of the update is on the Hydrilla control program. He stated that DNR has done three treatments and that final treatment will be August 21<sup>st</sup>. Mr. Michael also stated that DNR has entered into a partnership with the watershed foundation and Brookfield to monitor for zebra mussels in Deep Creek Lake. He stated that artificial substrate would be deployed in several areas around the lake to detect if any colonization was present and that calcium would be monitored to determine if there were sufficient levels to sustain zebra mussel colonization. He also stated that the aquatic vegetation surveys will continue and that the USGS monitoring gauges on the lake will continue to be paid for by Lake Management. He reminded the board about the Eyes on the Lake web site that has been recently launched. Mr. Hoffman asked how many water quality samplings will be done this summer for zebra mussels, Mr. Michael stated that there would be three samplings.

Mr. Hoffman introduced Andy Davis and Brian Noonan from Brookfield Renewable Power and thanked them for wanting to be part of the Deep Creek community.

### **Minimum Wake Zones**

Mr. Hoffman stated that he has met with Mr. Null several times as a POA representative to assess what could be done to help the process of review of minimum wake zone applications. He stated that what he

came away with from the meetings was the need to start a POA committee composed of DNR, NRP, and the POA to discuss the review process. Mr. Hoffman stated that the committee has Bob Sutton from the POA, Eric Null from DNR, and Mike Friend from NRP and Mike Grant from BAAC. Mr. Hoffman then turned the floor over to Mr. Null to give an update.

Mr. Null stated that the end goal of the committee was for the POA to present the PRB with a streamlined review process that the board should vote to accept. The process would allow for the applications for minimum wake zones to be vetted quickly with empirical data. The process will produce applications that have been locally vetted by agencies against the BAAC criteria, existing minimum wake zones and new mapping data, to allow for submissions that will move easier through BAAC review. Mr. Null stated that in the beginning the group thought that there would be a four page check list of criteria that a request would have to meet, at this point the group realizes that it will be much shorter than that by using existing BAAC criteria. Mr. Hoffman stated that he talked with Chairman Snook about the group's findings so far and the Chairman agreed with the findings. Mr. Hoffman stated that if Lake Management, the PRB and BAAC are all using the same criteria then the review process will move much smoother.

Mr. Null stated that once the Board reviewed a petition for a minimum wake zone against the criteria and the petition met the criteria, then the board would continue with the standard process of forming a committee, having public meetings and submitting a report to the Board that could be voted on. He also stated that if a request did not meet criteria, then the Board would know that it would not make it through BAAC review.

Mr. Green asked if he were part of a HOA how he would make a request for a minimum wake zone. Mr. Null stated that it would start with the submission of a formal petition to the PRB for review.

### **County Commissioners Update**

No update was presented

### **DNR Correspondence**

Mr. Null reported that after four years as a long term contractual employee, that the Administrative Specialist of Lake Management, Misty Moon will be converted to a fulltime, classified, permanent employee.

Mr. Hoffman asked if Mr. Null had any update as to who the new MDE member of the PRB was going to be. Mr. Null stated that he had not received any update from MDE. Mr. Hoffman stated that he would call the Chairman and ask if Chairman Snook could contact MDE for an update.

### **Public Comment**

A Mr. Riley asked who is supposed to enforce the minimum wake zones. Mr. Hoffman stated that NRP enforces the boating regulations. Mr. Riley asked if anyone has ever been cited for not obeying a minimum wake zone. Sgt. Satterfield stated that plenty of citations have been issued for this violation. Mr. Riley stated that he called NRP and complained about the people violating the minimum wake zone located by his house and that he was informed that this was not an enforceable offence. Sgt. Satterfield assured Mr. Riley that this was not a proper response and asked if Mr. Riley had gotten a name of the person he spoke with; Mr. Riley stated that he did not have a name.

Mr. Richard Bolt stated that he looked into the 2014 safety inspection of the Deep Creek Dam and received information that contained much omitted information. Mr. Bolt asked if the Board is involved or receives a copy of the inspection. Mr. Noonan from Brookfield stated that the report is kept confidential due to Department of Homeland Security laws and that the full report can not be shared with the public due to these federal laws.

Mr. Michael Dreisbach wanted to thank the Board for their work.

Mr. Tim Klein stated that he was concerned with the POA developing criteria for evaluating minimum wake zone request because there were so many diverse areas on the lake. He stated that he did not like the mooring buoys that permit holders were installing. He also stated that the educational program for wakeboarding, and wake surfing that is underway should last 3-5 years.

Ms. Barbara Beelar stated that she had some house keeping issues; one was that the board minutes that are approved had some incorrect things in the public comment section. The other item was she asked the board not to schedule meetings during the week of the fair. She thanked the Board for voting to support the State Lakes protection and Restoration Fund.

Ms. Ellen Williams stated that there is a need to compile all of the information that everyone needs at the lake into one place that is publically accessible to realtors, permit holders, general public, and commercial business. She also stated that the review of minimum wake zone request should have an emphasis on environmental impacts of areas from boat wakes. It should account for erosion and sedimentation. Mr. Hoffman informed here that the standard BAAC criteria do account for environmental impacts, Ms. Williams was glad to hear that it was already a criteria.

Mr. Raymond Jamros stated that he lives in the Thousand Acres area and that it is not just wake boats causing a problem, but large boats. He also stated that there needs to be a change in the regulation for wake surfing to include wake boarding in the 200ft set back.

Mr. Richard Matlick stated that he had 105 geese by is dock in one evening, which means that there are thousands of geese on Deep Creek Lake. He also stated that wake boats generate a large wake by changing the angle of their prop. He stated that he was involved in the original placement of the ski courses and that proof had to be given to the state that minimum wake disturbance would occur with the ski courses. He stated that the change in angle of the prop on a wake boat make the operating depth of the boat over a foot deeper. He stated that he is opposed to minimum wake regulations and instead believes that the type of vessel should be regulated. He stated that the ultimate solution to the problem is dredging and that the present proposed solutions to the problems on the lake are just aspirins.

Ms. Laura Ivkovich stated that whatever solution to the wake boat issue that is instated that education and enforcement is the main component of the solution because the erosion that is being caused by the boats is terrible.

Mr. Max Peterson asked if there was anything that he could do to prevent the geese for coming onto his dock. Mr. Kelly stated that he had placed a 6x6 on edge of his dock and that the geese would not climb over it to get to his dock. Mr. Peterson stated that boat noise was an issue because the present regulation on noise levels is very hard to enforce. He asked if possible could that regulation be changed to an easier to enforce regulation.

Mr. Hoffman asked Mr. Null when the next meeting was. Mr. Null stated October 29<sup>th</sup>.

Acting Chairman Hoffman adjourned the meeting at 7:43pm

Respectfully Submitted

Eric Null