

Deep Creek Lake Policy and Review Board

Meeting Minutes

Wednesday November 10, 2020

In Attendance (in person at the Discovery Center): Chairman Bob Browning, Bob Sutton, Patty Manown Mash, Commissioner Paul Edwards, Delegate Wendell Beitzel, Larry Iden, Eric Null DNR. Attendees joining from Garrett County: Marta Schroyer, Steve Green for Senator Edwards, Attendees joining from outside Garrett County: Jim Bailey, Dr. Jim George, DNR: Bruce Michael, Emily Vainieri, Julie Bortz

Action Agenda

Mr. Sutton asked Mr. Null for a roll call of the Board members and where they were broadcasting from, Mr. Null proceeded with the roll call. The Chairman asked for the status of the October meeting minutes. Mr. Null stated they were approved and posted to the NRMA web site in on November 2, 2020.

Old Business

Deep Creek Lake Management Budget Update

Mr. Null presented the Board with the current budget analysis for FY 21. He stated that in the first quarter meeting of 2021 he will have another budget update and will continue to provide an updated spreadsheet at every quarterly meeting.

Sky Valley Minimum Wake Zone

Mr. Null stated that Sky Valley presented a proposal for a minimum wake zone for the area in North Glade Cove where the Sky Valley HOA is located. He stated that after three years of review and hard work from the POA, PRB, NRP, and DNR that the BAAC voted to send the request to the Secretary of DNR for her support in sending the regulation change to the legislative regulatory committee for review. Mr. Mike Simonsen from the BAAC stated that there were seven total proposed regulation changes heard by the BAAC in 2020. He stated that the BAAC approved the North Glade Cove proposal in their October meeting. He stated that the regulation proposal will go to the Secretary for signature and must be sent to the regulatory committee by December 11, 2020. He reminded the Board that the BAAC is not a regulatory committee but an advisory committee to the Secretary. He stated that hopefully the regulation change will be signed and delivered, so that the regulation can go into effect by April 15.

Mr. Bob Sutton stated that this effort was a great example of how the PRB works with regulations on DCL. Mr. Simonsen thanked Mr. Sutton for the hospitality he showed to the BAAC members when they

came to tour the site and to Mr. Null and his staff for the support with the placement and maintenance of information buoy in North Glade Cove.

Water Quality Monitoring

Mr. Bruce Michael thanked RAS and Lake Management staff for their support this year. He stated that due to Covid-19 monitoring took place from June – October due to restrictions that were in place. He stated that he is planning for 2021 to return to a normal sampling season depending on restrictions. He stated that the continuous water quality monitoring that is done on DCL resembles Chesapeake Bay continuous monitoring. He stated that the zebra mussel monitoring took place this year and results will be available in the January meeting. He reminded the Board that there will be a virtual open house for the State Lakes Fund third year of funding on November 12th. He stated that DCL will receive the lion's share of the funding.

Mr. Sutton thanked Mr. Michael for the Shoreline Erosion Control Grant Checks. Delegate Beitzel stated that the County has requested that DNR includes the Arrowhead piolet dredging project to their federal funding request to the Great American Outdoors Fund. He asked Mr. Michael for help down state for the inclusion of the dredging project in the DNR federal request. Mr. Michael stated that he would help all that he can with the project's inclusion. Delegate Beitzel stated that right now is a good time to look at the area since the water level is low.

Wake Boats

Mr. Null stated that this summer was the busiest summer in the history of the lake, he stated that there were more wake boats and more wake boat complaints. He informed the Board that as in the past the majority of complaints were not from the act of wake boarding or surfing, but from wake boats cruising around with their ballast still on board. Ms. Manown Mash asked how to do we do more education, Mr. Null stated that there has been a large education component established, but this summer saw so many visitors to the lake that he was open to suggestions for more education.

County Commissioner Update:

Commissioner Paul Edwards stated that he didn't have an update since the last meeting. Chairman Browning asked if the County had imposed any further Covid-19 restrictions, Commissioner Edwards stated that they have not received any orders as of today for more restrictions.

New Business:

Morgan France Letter:

Mr. Sutton summarized the letter by saying that the POA and Watershed Foundation met with the DNR to discuss a way to mitigate the noninvasive SAV. In a letter to the board, Morgan France proposed to lower the lake level to 2455 in October- March to inhibit the near shore growth of SAV. This management protocol does not need a permit amendment, since it is within the permit rule band. Dr. George stated that he responded to the letter and that MDE would probably be writing a letter that would support the County's sewer and water line project. Chairman Browning suggested that we see how the SAV reacts to this winter and table the issue until the spring of the year. Mr. Michael stated that he briefed the DNR secretary on the issue and that the Secretary seemed to support the suggestion.

Correspondence from DNR:

Mr. Null stated that Silver Tree Marine submitted a Development Permit Application to install a boat Ramp for their business use only and not for the public, in the McHenry area along Deep Creek Drive. This ramp would be associated with a lake front property that they are leasing. Mr. Null explained that this was a first of its kind application, where the applicant was just requesting a modular ramp and seven slip overnight dock for mechanic purposes. There would be no retail structure or rentals involved in the application. Mr. Null stated that Lake Management only reviews the impacts to the Buffer Strip and Lake. The DNR does not review traffic, development, or traffic control, that is reviewed by the County. He stated that the impacts to the state land and water are very minimal and that the marina had all County approvals. Mr. Sutton suggested a gate be installed to prevent public use. Mr. Null stated that he could make that a permit requirement.

Chairman Browning stated that he has spoken with the county and that marinas are a permitted use and that Silver Tree meets all requirements. Steve Green makes a motion to approve the Silver Tree Marine Permit, Mr. Sutton seconds, all Board members are in favor, Mr. Iden abstained, and the motion passed. Mr. Null stated that the application is approved.

Attorney General Update:

There is no update from the Attorney General's Office.

Public Comment:

Delegate Beitzel stated that he received a call about dock removals that he spoke with Mr. Null about, he stated that a dock vendor had told their clients that due to DNR restrictions that the dock vendor would have to increase their rates to remove their dock. Mr. Null stated that he had received several inquiries about this vendor and from the vendor their self. The vendor wanted exclusive rights to use both sides of the public ramp, Mr. Null stated that he informed the vendor that the reason for the dock vendors being restricted to one side of the ramp for the last two years is that the vendors blocked public access to a public facility and that complaints came to the Lake Management Office from legislators and senior staff about this issue. Lake Management then restricted the companies to one side of the ramp, which the dock vendors have been working without complaint for over two years. Delegate Beitzel stated that he agreed with Mr. Null's management and Chairman Browning also agreed with the current permitting of the dock vendors at the boat ramp. Mr. Null stated that DNR was not the issue it was the commercial entities not getting along with each other. Mr. Null stated that the DNR has not changed their permit requirements, the dock companies are not getting along with each other.

Mr. Felix Lavoy stated asked is there anything else that we could be doing to bring the issue of wake boats to the BAAC or DNR for regulation in the Green Glade Cove area. Mr. Null stated that a regulation would not be implemented where a regulation already exists like the 100 feet buffer regulation. Mr.

Lavoy asked what can be done to save the shoreline, Mr. Null stated that the State Lakes Fund gives grants to applicants to armor their shoreline to prevent erosion. Mr. Lavoy asked how a person applies for a shoreline erosion control grant. Mr. Null stated that he can supply the information for the grant, just give him a call.

William Intner stated that while the focus is on wake boats he has noticed that most boats are exceeding the regulations for setbacks. He stated that more education is necessary for all boats.

Mr. Browning asked for a motion to adjourn, Mr. Sutton Made the motion, Ms. Manown Mash second all were in favor. The next meeting will be December 9, 2020.

Respectfully Submitted,

Eric Null

Lake Manager