

Deep Creek Lake Policy and Review Board

Regular Quarterly Meeting

Deep Creek Lake Discovery Center

Monday October 31, 2016

In attendance: PRB Board Members: Greg Snook, Bob Browning , Bob Hoffman, Robert Kelly, Delegate Wendell Beitzel, Senator George Edwards, Commissioner Paul Edwards, Marta Schroyer, DNR staff; Eric Null, Julie Bortz, Lt. Harry Cage

Chairman Snook called the meeting to order at 6:00pm. The Chairman asked for a motion to approve the July 25, 2016 minutes. Motion was made by Bob Browning and second by Bob Kelly. The motion to approve the July meeting minutes passed unanimously.

OLD BUSINESS

Canada Goose Hunt

Chairman Snook asked Mr. Eric Null for an update on the November 2016 goose hunt that will be held on DCL. Mr. Null spoke to the regional wildlife manager Jim Mullen this morning. Mr. Mullen informed Mr. Null that the hunt will occur at the same time as last year's hunt. The hunt will be held the three days before Thanksgiving. The sites for the hunt will also remain the same as last year. Mr. Null stated that the only change in the hunt was Broadford Lake will have a managed goose hunt on the same days. Broadford Lake will have three blind locations that hunters can apply for a permit to hunt during these three days.

Mr. Kelly asked Mr. Null if this was all that the DNR was going to do for goose control. Mr. Null stated that as far as hunting on DCL, DNR cannot allow any more hunting areas or times due to safety zone infractions that would occur. Mr. Null also stated that the Broadford Lake hunt was designed to target the geese that flew between DCL and Broadford Lake. Mr. Null stated that there may be a possibility of working with farmers around the lake to target the DCL geese when they feed in the cut fields. Mr. Null stated that the hunt is expanding outside the lake itself, but due to regulations the expansion of the hunt on the waters of DCL cannot occur.

Mr. Kelly asked how much advertising has been done about the hunt. Mr. Null stated that the hunt will be advertised on the Wildlife and Heritage web site and that Wildlife and Heritage is releasing a press release state wide within the next two days about the hunt.

Chairman Snook asked for any other comments Mr. Browning stated that he would like to see the farm owners around the lake approached for the possibility of managed hunts on their land. Mr. Hoffman asked if DNR was still oiling the goose eggs every spring, Mr. Null stated” yes” that that program will happen every year.

Multiple board members expressed that they would like to have more information about collection of the geese during the molting period.

Hydrilla Treatment Update

Julie Bortz from the DNR Resource Assessment Service gave an update on the Hydrilla treatment for 2016. Ms. Bortz stated that Hydrilla was only found at three of the 13 historic Hydrilla treatment sites in 2016. The two largest Hydrilla beds were two of the three sites where Hydrilla was still documented and the small bed found in the Green Glade Club area was also present. The Hydrilla treatment itself has been very successful since even these three areas did not contain viable Hydrilla after the 2016 treatment season was completed. Ms. Bortz also stated that Lake Management and RAS are also monitoring the curly pondweed find from 2015 to track any expansion of the population of this other nonnative species.

Chairman Snook asked Ms. Bortz what is the plan for 2017? Ms. Bortz stated that treatment on all of the historic sites will continue in 2017. Ms. Bortz stated that the herbicide applicator that is applying the treatment has stated that this is the best Hydrilla treatment success that he has ever seen. Ms. Bortz also stated that the treatment areas may be adjusted to more specifically treat the location of the Hydrilla beds and reduce the impacts on native SAV, but the same areas will continue to be treated in 2017.

Mr. Hoffman asked Ms. Bortz what was the invasive species found in Pawn Run Cove in 2015. Ms. Bortz replied that it was curly pondweed. Mr. Hoffman asked if this was the only place that this nonnative was found on DCL. Ms. Bortz stated “yes”.

Mr. Browning expresses concern about the amount of SAV that are growing within the McHenry area. He stated that the marinas and boat traffic are having problems going through the dense beds of SAV. He inquired about the possibility of using a mechanical harvester by permit to cut channels in the SAV to allow for easier navigation. Mr. Null stated that using a harvester on native plants where the spread from fragmentation is not a threat could be discussed and may be a plausible idea.

County Commissioners Report

Commissioner Paul Edwards reported that the MOU between DNR, MDE and the county on the leadership and Watershed Management Plan has been agreed to completely and is awaiting signatures from MDE. Commissioner Edwards also reported that the sediment study and dredging are in the hands of MES to develop the permit application. Chairman Snook asked if

there was dedicated money set aside for the dredging projects. Commissioner Edwards stated that there should be money for the piolet project but as for the other projects there have not been any dollar figures assigned yet.

Mr. Browning stated that he would like to bring up the original two recommendations of the sediment subcommittee. The first was to streamline the permit process for shoreline erosion control permit applications. The second recommendation was to allow permit holders to extend their docks beyond the COMAR allowed 100ft or 1/3 the distance across the cove to attain deeper water. Chairman Snook asked Mr. Null if this is happening now. Mr. Null stated that by Special Permit the Lake Management office has historically granted small extensions to the 100ft rule not so much for depth but to avoid navigational hazards such as rock piles and other docks in crowded areas. Mr. Null stated that in his time as Lake Manager the largest extension that he permitted was 10ft.

Mr. Browning stated that he would like to try to give Mr. Null the permission in law to be able to extend beyond the 100ft rule easier. Mr. Snook asked if a dock is extended beyond 100ft how that affects the 100ft law for boats and water skiing. Mr. Null stated that when towing a skier the skier cannot be towed within 100ft of a fixed object such as a dock, so a water skier or wake surfer, or boarder will have to maintain the same distance from the end of the fixed object.

Chairman Snook asked Mr. Null after the budget was finalized if there may be flexibility to start a cost share program for shoreline erosion control. Mr. Null stated that the Lake Management budget is not very flexible when it comes to extremely large programs like a SEC cost share. Mr. Null stated that he would be open to a program like this but there would have to be a very large influx of money that would come to the Lake Management budget from outside the Lake Management fund in order to begin a cost share program. Mr. Null stated that the lake is seeing more shoreline erosion than it ever has due to multiple factors. He also stated that the cost of a SEC wall is \$250-\$2,500 a linear foot depending on material and height of erosion. Mr. Null stated that this winter will see some of the largest shoreline erosion projects that have ever been done at DCL. These projects are due to the sites where they are occurring having massive erosion problems. Mr. Null stated that MDE and Lake Management have had to delve into the engineering of SEC walls more on larger sites to ensure that the installations can hold back the high banks and erosion.

Mr. Null also stated that six years ago the MDE permit fee was \$1600, it has since been cut to \$750, and six years ago there was only one approved SEC design for moderately eroded shorelines, now there is an approved design for low, moderate and high sloped erosion control. Mr. Null stated that it is moving slow but the permit process and ways to tackle shoreline erosion at DCL are evolving and becoming easier.

NEW BUSINESS

Lake Management Budget Update

Mr. Null reported that the he received the proposed budget about a month before the meeting but that there have been some significant changes to major line items in the budget. He stated that the budget funds would be the same as last year but project costs were changing. Mr. Null stated that the adjustment of the Hydrilla treatment can potentially save several thousand dollars, there is a new long term Natural Resource Planner II being hired for Lake Management, and a new USGS stream gauge has been installed in North Glade Creek. Mr. Null also stated that the boat ramp fees have been returned to the Lake Management budget which will add \$15k in revenue to the budget. These changes could result in a \$100k change in Lake Management billing. Mr. Null added that all of these changes are good things for the lake and the Lake Management office. Mr. Null stated that by the January meeting that he will provide the board with the final budget and expenditures.

Deep Creek Lake Cove Name Map

Chairman Snook stated that he had asked Mr. Null to provide a map of all of the named coves at Deep Creek Lake. Mr. Null had informed the Chairman that his predecessor was working on this project. Mr. Null presented the map to the board for comment. The board suggested that the map be distributed to the POA and others for comment. Chairman Snook asked that the board and others comment on the map so the PRB could approve the map before the 2017 boating season.

Minimum Wake Buoy Installation

Mr. Null reported that the minimum wake buoys that are currently installed on DCL are navigation markers and an enforceable markers, therefore the exact location of the minimum wake buoys are located in COMAR and to install a new minimum wake buoy is a change in law. He stated that the process would begin as any DCL regulatory process does, with the PRB reviewing the request and either recommending or not recommending the regulation change to BAAC. Mr. Null stated that the majority of the complaint calls and minimum wake buoy requests the he receives are due to boats and skiers coming too close to docks. If the vessel is not 100ft from shore then that operator is already breaking a law. He informed the board that if the board was to submit a request to BAAC and DNR and NRP reviewed the request they would not approve of the installation of a minimum wake buoy in an area where the reason for the installation is due to operators breaking an existing law.

Mr. Null stated that most of these complaints are enforcement issues. He stated that the NRP officers work very hard on DCL but at best there are only three officers on DCL, but usually only one or two officers are on the lake during the week. These officers are very busy handling emergency calls on the lake and enforcement issues; therefore they often cannot make it to all of the complaint calls. Another problem arises is that when NRP reports to a complaint call their vessels are very noticeable, therefore the illegal action stops until NRP leaves the area.

Mr. Browning stated that it is not feasible to install many minimum wake buoys at the 100ft mark around the entire lake. He stated that the problem is more of an education or lack of education issue. Chairman Snook asked the board if they thought that the most appropriate thing to do at this point was to better publicize the rules. Ms. Schroyer agreed that this was the best action. Mr. Kelly suggested that the new Lake Management Planner keep a database of all of the complaint calls to better understand where the illegal operation is taking place.

Mr. Hoffman asked if the NRP officers on DCL receive their calls from the Annapolis call center and could we receive information about the calls that come through the center about DCL? Lt. Cage stated that he was not sure if they could receive that information but all calls that came to the center were tracked.

Near Shore Water Quality Monitoring

Mr. Null reported that for the last seven years the water quality sampling at DCL has been done in the deep water environments of the lake. This year the sampling efforts have moved to the near shore areas to assess primary production and shallow water chemistry to better understand how the lake cycles nutrients and if there are any shallow water pollution impacts. He stated that the original four mainstem sampling sites were kept and many more sites were added in the shallow water areas of the lake. He stated that this would be a five year plan with the first year assessing many shallow water areas and subsequent years targeting any shallow water areas that indicate possible pollution impacts. He reported that the data collected with this sampling can be used for pollution assessment, pre dredging assessment and pollution abatement assessment.

Chairman Snook asked how many locations are being monitored. Mr. Null responded that we are using three depth contours; 1-3 meters, 3-6 meters, and 6-9 meters to assess where the nearshore environment ends in most of the major coves of the lake. Chairman Snook asked if this was outlined in a detailed report. Mr. Null answered "yes".

Mr. Browning asked if cost of the sampling of the near shore will be the same as the cost of the past water quality monitoring. Mr. Null stated that this is why it is a five year project, to keep the cost relatively the same as the previous sampling. Mr. Null stated that there should be more chemistry fluctuations in the nearshore areas due to primary production and that the object of the sampling is to assess if any of the fluctuations are detrimental or if they are natural and non-impacting to the resource.

Wake Boats

Chairman Snook stated that the subject of wake boats and their impacts was brought to him by a board member after the agenda was distributed. Mr. Hoffman stated that the POA has been discussing the impacts of wake boats on DCL. Mr. Hoffman stated that the POA is not suggesting that this style of watercraft is banned from DCL. Mr. Hoffman stated that after the second POA board meeting he contacted Mr. Null to meet and discuss with him this topic. He

stated that Mr. Null said that the number of complaints on these type of vessels have increased significantly in the last year. Mr. Hoffman suggested the formation of a committee for the sole purpose of collecting information and data on this issue, not to recommend regulation or restrictions. The committee would assess if there was actually a problem and assess if so what was the cause of the problem. Mr. Hoffman stated that the PRB should be proactive to this new recreational use of DCL and assess if there are problems with wake boats how to stop them before it becomes a reactive situation.

Mr. Null stated that by no means did he want to see more regulation on DCL, but when Mr. Hoffman approached me about the wake boats, as Lake Manager I would like to know if there are any losses in recreational quality of other lake users due to the wake boats. Mr. Null stated that he has received numerous reports of property damaged by the large wakes generated by the wake boats. Mr. Null also stated that it may not be a regulation issue as much as an education issue.

Chairman Snook asked what existing regulations were in place for wake boats. Mr. Null stated that there was one specific to wake surfing that required a minimum distance of 200ft from a fixed object. Chairman Snook asked Lt. Cage if NRP has cited many people for violating this rule. Lt. Cage stated that the NRP vessels are very identifiable and when they approach an area it usual squelches the illegal activity.

Mr. Browning stated that if the committee is formed it needs to be specific to wake boat activity and not include any other issues. Chairman Snook asked how long it would take to gather the data needed. Delegate Beitzel stated at least a season. Mr. Hoffman agreed that an entire season would be needed.

Mr. Robert Sutton of the POA commented that not only wake surfing should be assessed but wake boarding as well.

Chairman Snook agreed that the formation of a committee would be appropriate for this matter. He asked for a volunteer to chair the committee. Mr. Hoffman stated that he would like to accept but he will be away for two months. The Chairman tabled the issue until the January meeting to assess interest in the committee and choose a chair of the committee.

DNR Correspondence

Lt. Harry Cage stated in regards to the request for information about DCL complaint calls to NRP that the calls would be coded to DCL but unless the caller gave a specific address the call would only be logged as occurring at DCL. Chairman Snook asked Lt. Cage if he could provide any of the data to the board at a later date. Lt. Cage stated that he has provided the information that he can retrieve in previous years and will continue to provide it to the board.

Public Comment

Ms. Karen Myers suggested that people interested in faster turnaround times of Lake Management permits e-mail their applications to Lake Management since the mail goes from Swanton to Baltimore and can take over a week to come back to Lake Management. Mr. Null informed the audience that Lake Management accepts e-mailed applications.

Ms. Barbara Beelar stated that she was pleased to hear about the move to the near shore water quality monitoring. She also stated that there should be minimum wake buoys installed in the sediment impacted coves.

Senator Edwards announced that he and Delegate Beitzel would be having their pre session public meeting on December 6th at Garrett College.

Chairman Snook adjourned the at 7:42pm