

DEEP CREEK DISPATCH

Spring, 2001

Newsletter of the
Property Owners' Association
of Deep Creek Lake, Incorporated

POA General Membership Meetings—New Location

The general membership meetings are scheduled for Saturday, June 30 and Saturday, August 25. The June 30 meeting will be held at the **McHenry House**, also known as the ski lodge at the Wisp. The usual location at the Community College was unavailable. Watch for the Summer issue of the *Dispatch* for the location of the August 25 meeting. Meetings are held at 8:30 a.m. so that members can get out and enjoy the lake and nice summer weather sooner. Please try to attend. New directors will be elected at the August meeting

Policy and Review Board Gridlock on Tour Boat Proposal

At its meeting of April 20, the Deep Creek Lake Policy and Review Board deadlocked on a proposal to proceed forward with authorization for the operation of at least one large tour boat on Deep Creek Lake. While the outcome is not entirely clear, it appears doubtful that a 62-foot boat, purchased by a local business owner in anticipation of a change in the regulation, will be able to operate this summer.

Here is some background information on the tour boat proposal. Several years ago, local businessman Robert Browning, the owner of Deep Creek Outfitters, purchased a 62-foot excursion boat. After purchasing the boat, he sought support for his proposal for necessary regulatory changes from the old Deep Creek Lake Advisory and Review Committee. No action was taken by the Department of Natural Resources on the proposal because of the pending sale of the Lake. While negotiations for the sale of the Lake progressed, legislation was introduced and passed by the Maryland General Assembly providing for the establishment of a Deep Creek Lake Policy and Review Board. This Board has significant powers not enjoyed by the preceding committee, includ-

ing a legal requirement that any change in regulations governing Deep Creek Lake must be approved by the Board, as well as any change in fees. The Board is also charged with the responsibility of developing a Deep Creek Lake land use and recreation plan.

Shortly after the members of the Policy and Review Board were appointed, one of the matters of old business that was brought before the Board was Mr. Browning's proposal for changes in the regulations to authorize operation of the boat purchased by him. Mr. Browning sought, and obtained, support for his proposal from Senator John Hafer, Delegate George Edwards, all three County Commissioners, and the Garrett County Chamber of Commerce. When the issue was first considered by the Policy and Review Board, the POA President urged that the Board proceed with caution in attempting to develop a regulation designed to fit one individual's boat. It was pointed out that if one boat were to be permitted, it would be difficult to prevent additional boats from being authorized, and the longstanding boat length limit on Deep Creek Lake could be compromised. DNR staff suggested that a proliferation of such boats could be avoided by authorizing boats longer than the existing 30-foot length limit only pursuant to a concession program developed by the State with only a small number of persons granted such concessions.

The matter was considered by the POA Board at its meeting in November of 2000, and the Board took the position that no proposal for the operation of a tour boat should occur except under a carefully drafted and detailed regulation which would be approved by the Policy and Review Board and included in the Code of Maryland Regulations, which have the force and effect of law. The POA Board urged that no regulation be authorized unless it contained specific limitations on noise, light, speed, wake, hours of operation, passenger and crew capacity, advertising matter and safety.

The Policy and Review Board late last year gave conceptual approval for tour boats, but directed that the details of the proposal be presented to it for its consideration.

The DNR staff prepared a very limited regulatory change, and proposed to include all of the operational requirements in a contract, thus removing from the Code of Maryland Regulations and the purview of the Policy and Review Board any meaningful oversight of tour boats. In light of this, the Policy and Review Board suspended its conceptual consent and directed that a public hearing be held.

A public hearing was held by the Policy and Review Board on March 17, at which time the overwhelming majority of persons present expressed opposition to the tour boat proposal, but with a significant number of persons expressing qualified support. Since the March 17 hearing, a number of letters have been received by the Policy and Review Board, and the vast majority of them are firmly opposed to the proposal.

In the meantime, the Policy and Review Board has begun work on a draft of a Deep Creek Lake land use and recreation plan as mandated by State law. Before completing its work on the land use and recreation plan, the Policy and Review Board requested that a new Deep Creek Lake carrying capacity study be undertaken to update the study undertaken thirteen years ago.

When the tour boat proposal appeared again before the Policy and Review Board on April 20, a motion to defer consideration of the proposal pending completion of the lake carrying capacity study was defeated by an even vote, with the Chairman not voting. After a series of further motions by equally divided votes, the Policy and Review Board was unable to adopt a motion either to proceed forward with the tour boats, or to postpone their consideration until completion of a new lake carrying capacity study. The net effect of the events of April 20 is that the legally required approval of the Policy and Review Board for necessary changes to the Code of Maryland Regulations governing Deep Creek Lake has not been given, and it thus does not appear that, in the absence of any change, large tour boats will be able to operate on Deep Creek Lake this year.

The most important aspect of the tour boat debate is not the tour boat itself, but rather the need for a Deep Creek Lake land use and recreation plan, supported by an updated lake carrying capacity study that can deal with a myriad of issues, including tour boats, high speed boat races, and personal water craft. It is only through a careful study and the adoption of a comprehensive plan that an orderly process will be established to deal with such issues. (See the separate article in this issue concerning the progress to date by the Deep Creek Lake Policy and Review Board on a land use and recreation plan).

New Owners at the Wisp

Recreation Industries Inc., the owner of WISP, is in the process of transition to new ownership. The new stake-

holders, all own property in Garrett County. They include Gary Daum, Bob Rudy, Karen Myers, and the family of Gene Frazee.

These same individuals are the owners of approximately 2,500 acres surrounding the WISP. They have been working on a master plan for this area for the past six years. With the acquisition of both the ski and golf amenities at WISP, they plan to move forward with an expansion and improvement plan encompassing their current land holdings with the entire WISP resort.

For 2001, changes at WISP will include an extension of Chairlift Five (Main Street) and relocation of Chair Four (Rabbit Run); retrofit (bull wheel replacement) of Chair One; enhanced snowmaking capabilities; and installation of a snow tubing area to be ready for operation in December 2001. After the repairs to Chair One are complete, chairlift rides and nature tourism packages will be available throughout the summer and fall. Restaurant changes will also be taking place.

Additional services for golfers will also be added during summer and fall. A special ten-round package will be available.

“We’re excited about the opportunities we have to provide off-lake recreation to our area visitors,” noted Karen Myers. “We will continually strive to make our property owners in Deep Creek aware of each new activity throughout the seasons. Most of all we give thanks to Helmuth and Evelyn Heise for creating WISP, giving everyone at Deep Creek Lake an opportunity to enjoy all four seasons, and allowing all property owners around Deep Creek to benefit from the property value appreciation that their life-long efforts have produced for the rest of us.”

Traffic Signals

A flasher at the intersection of Mosser Road and US 219, and a full red, yellow, green traffic light at the intersection of Glendale Road and US 219 are in design by the State of Maryland. Funding is in place, and the lights **may** be in operation by fall.

The State has also prepared geometric plans for an improved intersection of Sky Valley Road with MD 495. The plan would move Sky Valley Road south, and provide a turning lane on MD 495. Funding is **not** in place and would have to be provided by Garrett County.

Boating Courses Offered at GCC

The Maryland Basic Boating course will be offered throughout April, May, June, July, and August at the Garrett Community College (GCC). Persons wishing to

operate a boat in Maryland waters who were born after July 1, 1972, are required to complete an approved boating safety course. The program at GCC is approved by the Maryland Department of Natural Resources.

The one day classes meet on selected Saturdays from 8:30 a.m. to 5 p.m. Students should bring a bag lunch. Prospective students should call the GCC Continuing Education Office at 301-387-3069 for details. Registration must be made at least one week before the class meets in order to receive course material and complete an assignment. Classes are scheduled as follows: May 5, May 19, June 2, June 16, June 30, July 14, July 28, and August 11.

The cost is \$20 for Garrett County residents, \$22 for other Maryland residents and \$24 for all others. Seniors over 60 may enroll free if they want to take the course.

POA Membership and The Dispatch

Over the years, we have attempted to send the *Dispatch* to all Deep Creek Lake property owners. In recent years we have tried to include lake access property owners, as defined by Tax District 18. The district is defined as those properties whose value is affected by the lake. We began this policy as a way to reach all lake property owners, and a way to increase our membership. Many of you who have faithfully paid dues every year, have been concerned that some of your neighbors have been getting a “free ride.”

So that you will know if your POA dues are current, we have included the last year in which you paid dues as part of the address label. Some of you may have been upset to notice that you had not paid dues for the year 2000. Because of a computer crash this winter, some of our membership information used for the winter 2001 *Dispatch* was in error. A back-up and reconstruction is now complete. We apologize for any confusion this may have caused. Because of these problems, even non-dues payers will receive the Summer 2001 *Dispatch*. But that will be the end. However, in an attempt to attract new members, the Winter issue each year will go to everyone.

Because of the computer problem, some of you may not have received your winter issue. Therefore we have again included a membership coupon, dues notice, and a return envelope.

To keep up with new lake property owners, we will merge our mailing list with the DNR Buffer Strip Use Permit mailing list. The computer will pick up duplicates if the name and address are **exactly** the same. A careful reading of over 4,000 names and addresses will pick up those duplicates with the same last name. But if the *Dis-*

patch is mailed to your home, and the permit to your office we’ll never know unless you tell us. The merge will not be complete until the summer issue of the *Dispatch*, because the DNR is in the process of changing computer software.

To change your **permanent** mailing address you can call our phone at 301-387-4455, write to our address: Property Owners Association, P.O. Box 816, McHenry, MD 21541, or e-mail the vice president for membership at tedriss@earthlink.net.

Help Wanted

The Small Business Development Center at GCC is looking for retired or semi-retired persons to teach non-credit classes. Any subject is open for consideration, especially business classes. Most classes are 15 hours long. Teachers are paid for their time. If you have a “wealth of knowledge” that you would like to share with another generation, contact Julie Yoder at the Small Business Development Center, 301-387-3101.

Music at Penn Alps

Saturday evening music programs will be held again this summer at Penn Alps in Grantsville. The programs are held most Saturdays throughout the summer season beginning at 7:30 p.m.

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| Coolidge String Quartet | June 2 |
| Eric Himy, Solo Piano | June 9 |
| Theophanos Dymiotis & Katherine Jacobson,
Violin & Piano | June 16 |
| Skip Gorman, Songs from the Old West | June 30 |
| Mendelssohn Piano Trio, Chamber Music | July 7 |
| Tempesta Di Nare, Chamber Music
Flute, Recorder, Lute, & Viola da Gamba | July 14 |
| Arkady & Tamara Orlovsky, Cello & Piano | July 21 |
| Dana Muller & Gary Steigerwalt
Piano for Four Hands | July 28 |
| Aime Sposato, Soprana | Aug. 4 |
| The Monongahela Trio, Chamber Music
Cello, Flute, & Piano | Aug.11 |
| Heart ‘N Soul Barbershop Quartet | Aug.18 |
| Nancy Roldan & Jose Cueto
Violin & Piano | Aug.25 |
| William Feasley, Classical Guitar | Sept.15 |
- Tickets are \$10 for adults, students age 13 and over \$5, and under 12 free. Ten tickets are \$75; they are not dated and may be used any time. Advance sales are available at the Book Mark’t, Oakland, as well as book stores in

Cumberland, Frostburg, Keyser, Morgantown, and at the Penn Alps Resturant and Crafts Shop, Grantsville. There are no reserved seats. For more information call Penn Alps at 301-895-5985 or check them out on the web at www.musicatpennalps.org.

Garrett County Property Taxes

The Maryland General Assembly passed "Truth in Taxation" legislation last year. As a result the County tax rate will be reduced by 40%, but your property assessment will be at 100% of market value, rather than 40%. The net effect is no change, but some of you may be confused. Because the tax base of Garrett County has increased 3.8%, the County will receive an additional \$621,401.

Lake Levels

If you have visited your property this spring you probably noted that the water is "up." Maximum levels per the "rule bands" for April and May are 2461.0 feet. On April 22 the level was 2461.05. On May 8 the level was 2461.0. Although the "rule bands" have not changed, operation of the power plant has changed from Penn Elec to Sithe Energy to Reliant. Regulation of the power industry has decreased and prices have become more dependent on market pressures. It is our understanding that Reliant keeps the lake as high as allowed, hoping a price spike for spot power will occur while they have plenty of water above the minimum rule band for the period in order to take maximum advantage of the high price. In prior years, Penn Elec tried to start the month near the maximum level, and gradually draw down to near the minimum by the end of the month. This approach has been called the "continuous rule band."

If you are concerned about erosion due to wave action when the water is high, we suggest you write Matthew Pajeroski, Chief Water Rights Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, MD 21224.

Garrett Community Concert Band

The Band will hold its second Fourth of July concert at the Chautauqua Tent on the GCC Campus beginning at 7:30 p.m. on Wednesday, July 4. Many folks picnic on the lawn before or after the program. If you have found the crowd of boats leaving the McHenry cove after the fireworks intimidating, you might discover that the GCC lawn is a good vantage point for the annual display. Fireworks are coordinated to start at the end of the concert.

Sailing

Those of you interested in sailing might check the web site at www.saildeepcreek.com. You'll find information about both yacht clubs, the sailboat races, Flying Scot, and the Sailing School.

Music, Music, Music

The Garrett Choral Society will present Irving Berlin's *Annie Get Your Gun* June 1 through 6 at 8 p.m. Advance tickets are \$8 for adults and \$4 for children under 12 and are available from Choral Society members or at Gregg's Pharmacy. The show will be presented at the Mountain Fresh Pavilion in down town Oakland. Seating will be under roof. The presentation is funded in part by Garrett County Arts Council and Maryland State Arts Council.

For the past 14 years, violinist Erick Friedman has performed in Garrett County as conductor and soloist with the Symphony at Deep Creek. This year Friedman and Friends will present a chamber music series at Our Town Theatre in Oakland. There will be a Sunday matinee August 26 at 3:00 p.m. and an evening performance Monday at 8:00 p.m. Tickets for all seats will be \$5. Reservations may be obtained by calling Our Town Theatre after July 1 at 301-334-5640. Funding has been provided by the Sincell Publishing Co. Inc., the Sprenger-Lang Foundation, and private donations.

All Terrain Vehicles

These ATV's can go almost anywhere, and some of them do. A recent article in The Cumberland Times-News explained some of consequences of going everywhere in an ATV. Under Maryland law, a violation of driving an unregistered motor vehicle on a public roadway carries a fine of \$270. The violation of driving an uninsured motor vehicle on a public roadway carries a fine of up to \$500 and requires a mandatory court appearance. The violation of driving without a license carries a \$310 fine. Damage to private property could result in a criminal charge of destruction of property, which carries a fine of up to \$250. Also, we are informed by the DNR, ATV's are not allowed on the buffer strip. If you own an ATV please respect the rights of your neighbors private property.

Quote Without Comment

We were amused this winter to read the following in a Florida newspaper: "A Jet-Ski is a device to convert gasoline into noise. On the plus side, since they have no propellers they won't injure the manatees."