

DEEP CREEK DISPATCH

Spring, 2002

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

President's Message

With the major increase in real estate tax assessments and the Commissioners' announcement that the tax rate will likely remain the same, causing a hefty increase in our tax bills, a review of where our tax money goes in Garrett County is appropriate.

To put figures in perspective, consider:

Tax District No. 18, which is defined by the Assessment Department as including only property which is directly affected by Deep Creek Lake and is not synonymous with the substantially larger Deep Creek Watershed, produces approximately 50% of the real estate tax revenue generated in the County. Garrett County's total assessable base is composed of 25,232 properties with a total assessment of \$1,955,563,518.00. Tax District No. 18 currently has 5,466 accounts/properties with a total assessment of \$971,131,386.00

Garrett County receives an estimated \$17,870,000.00 from real estate taxes, which is approximately only 35% of the entire annual County revenue. 65% of the County's revenue comes from State and Federal sources, and local revenue including amusement/admission taxes, coal, beer, hotel, income (piggyback), and local transfer taxes, etc. Thus, of the total County estimated annual expenditure for governmental services of \$50,255,000.00 (estimated in the County's budget message of May 8, 2001), only \$17,870,000.00 is funded by county wide real estate taxes of which approximately \$8,935,000.00 derives from Tax District No. 18.

There are County expenditures for services from which we all can benefit whether our properties are full time residential, second homes, commercial property or otherwise. The obvious ones are: public safety, which includes the Sheriff's Department, volunteer fire departments, detention center, emergency management, to name a few, and which uses about 7½% of the County expenditures; public works, including county roads, sanitary commission, solid waste and airport, which accounts for about 28% of the County expenditures (roads alone account for 26%). Less obvious

are the expenditures for community health at 9%, and general government expenditures which include such items as the Circuit Court, State's Attorney, finance and tax collection, planning and zoning, liquor control, County Commissioners and general services which account for 8½%. These services total a little more than 53% of total County expenditures.

Of those services which do not generally benefit non-resident property owners, public education is the largest at 37½% of County expenditures. The final 10% is composed of expenditures for economic development, economic opportunity, culture and recreation, and agricultural service, which may provide some benefit to all property owners, perhaps less directly than the major items.

Do we indeed get something for our tax dollars? You be the judge.

Spring Water Levels in Deep Creek Lake

Stack the sandbags; spring is coming. For the past two years, 2000 and 2001, Reliant Energy, with the apparent concurrence of the Maryland Department of the Environment who issued the water use permit, has disregarded the Upper Rule Band contained in the water permit, and routinely allowed the level of the lake to exceed 2,461.0 feet above sea level during the spring. This resulted in severe damage to the ecology of the lake from the erosion of the shoreline, and the resulting filling in of the lake, and the loss of many trees. The following discussion gives some insight into the issues, and focuses on why this may have occurred.

According to the Maryland Power Plant Research Program (MPPRP), "To minimize the potential for erosion of sensitive lake shoreline areas, lake levels should not exceed 2461.0 ft." (The MPPRP is a division of the DNR). This level, the highest level of the Upper Rule Band contained in the water permit and applicable in the months of May and June, was routinely exceeded in May and June of 2000 and 2001 for weeks at a time. As a result severe erosion of

the lake shoreline has occurred and many trees at the shoreline have either been destroyed and dropped into the lake or have been undermined and are in jeopardy of falling into the lake. Further, as the eroded material settled, the lake has been filling in.

Reliant's web page at www.deepcreekhydro.com has a discussion of the Operating Rule Bands and a figure that shows them in graphical form. The web page also shows the lake level in real time. (Make sure that the generator status is shown as OFF when you determine the lake level. If the generators are ON the readings are not reliable.) According to that web page, "the Operating Rule Band is defined by the Upper and Lower Rule Bands, which represent the highest and lowest desirable reservoir levels at any given time. The Deep Creek Project strives to maintain the lake between these two rule bands at all times. Periods of high run-off or extreme drought conditions can result in reservoir levels outside of the Operating Rule Band. During these times, the hydro project attempts to restore the reservoir to the proper level in a reasonable amount of time." A sensible question to ask is: What is a reasonable amount of time?

Reliant Energy is theoretically capable of lowering the lake level about 4 inches in a day. The top of the spillway at the dam is nominally 2462.0 feet above sea level. A reasonable estimate, therefore, is that the lake level can be restored to the Upper Rule Band maximum in a matter of days to a week when the Upper Rule Band level has been exceeded in times of heavy rain and runoff. Remember, though, that electrical power is a commodity whose value fluctuates with time. If rates are not high, there is little economic incentive to run the generators to lower the lake and generate power.

The water permit, and the Operating Rule Bands in it, is there to help balance the needs of the many stakeholders who benefit from the waters of Deep Creek Lake. These are:

1. Reliant Energy who has an economic interest in providing income for its shareholders through the generation of hydro power and selling it when the return is the highest. Electrical power is sold in a supply/demand mode. When it is hot and air conditioning demand is high in the Pennsylvania, New Jersey, and Maryland area during the summer, Reliant gets more for their hydro power than when the demand is not as high. The water permit establishes the rules that allow Reliant to use water to generate that power.
2. The fish in the Youghiogheny River who need cool, oxygenated water during the summer to ensure their survival so sport fisherman can enjoy their pastime. The water permit spells out the requirements for the release of water from the lake to ensure their survival.
3. The white water rafting community who needs white

water in the Youghiogheny to enjoy their sport and support their enterprises. To make that happen the water permit requires scheduled releases of water from Deep Creek Lake (DCL).

4. The business community, the homeowners on the lake, and the people of the State of Maryland who want as much water as possible in the lake during the summer to provide for recreation on the lake. The Operating Rule Bands were put in place for that reason.
5. The people of the State of Maryland who want to ensure that the shoreline of the lake is not eroded, that the lake is not filled in, and that the trees surrounding the lake are not undermined and drop into the lake. The Upper Rule Band is provided to ensure that the shoreline is protected.

The water permit is a legal document that contains much technical language that spells out Reliant's obligations to the various stakeholders. In the absence of a water permit, Reliant's economic interests would be the sole determinant of releases of water from DCL. The other stakeholders' interests would be met only by chance. The water permit is there to protect all the various stakeholders and to balance their interests.

According to many old timers around the lake, they haven't seen the lake as high and for as long as it has been the past two springs. The erosion around the lake and the loss of trees are unprecedented. Given the conditions that have prevailed in the past two years, one can reasonably ask if the interests of the owners of the lake, its trees, and its shoreline, the people of the State of Maryland, are being met or are they being ignored in response to the economic interests of Reliant Energy, or the demands of the American Whitewater Association. The whitewater people are very active and vocal in making sure that there is enough water for rafting and kayaking on the Youghiogheny River.

On the other hand there are some benefits to a full lake. Property owners in shallow coves will have more water (erosion is not usually as severe in coves because of protection from wind, and in some areas less high speed boat traffic, both of which create waves and contribute to shore line erosion.) There will be enough water in the lake, so that Reliant will not have to cancel scheduled whitewater releases. If a drought develops later in the summer, there will be more water to provide the needs of (1) power generation, (2) boating at Deep Creek Lake, (3) whitewater releases, and (4) cool water for the fish. One way to view the problem: if Reliant is allowed to keep the lake too full, will they also be allowed to let it go too low in order to satisfy the needs of power generation, or one of the other stakeholders at the expense of the other water users? The rule bands have been a good compromise for all water users, and should be maintained.

The POA plans to bring this matter to the attention of MDE.

It is ironic, that shore line erosion during high water, decreases the amount of land owned by the State of Maryland. And, of course, if a homeowner requests permission to cut down a tree on state property, the answer is usually "no." But whose trees are falling into the lake? Property owners can request permission to protect the State's land by building a rock wall along the lake shore. Although, according to lake manager Paul Durham, no request has ever been denied, the procedure seems a laborious drawn out exercise in bureaucracy.

POA General Membership Meetings

The POA general membership meetings will be June 22 and August 17, 2002. They will begin at 8:30 am at the Garrett 8 Cinema on US 219 across from the Arrowhead. All members are invited.

Garrett Lakes Arts Festival Announces its Summer Schedule

April 28	Ahn Trio—classical ensemble	4 PM	\$12	GCC
May 25	Greg Latta—folk musician	8 PM	\$10	WoW
June 15	Marina Lomazov—classical pianist	8 PM	\$12	GCC
July 4	Garrett Community Concert Band	7:30 PM	Free	GCC Tent
July 5 to 8	Chautauqua Historical Characters	7 PM	Free	GCC Tent
July 26	Peabody Ragtime Ensemble	8 PM	\$15	GCC
August 18	Brunch Chamber Concert	12:30 PM	\$15	WoW
August 20	Family Evening Concert	7 PM	\$5	GCC
August 22	Kenny Werner Trio—Jazz	7:30 PM	\$18	GCC
August 23	Friday Night at the Symphony	8 PM	\$18	GCC
August 24	Saturday Night at the Symphony	8 PM	\$18	GCC
September 1	US Navy Band—Cruiser Rock Ensemble	4 PM	Free	DCL Park
September 15	Joseph Lowe—Light Piano	2:30 PM	\$10	WoW
October 18	National Players Tartuffe By Moliere	7:30 PM	\$10	GCC

November 9 Pipes, Brass, and More Pipes
7:30 PM \$10 St. Paul's

Season tickets are available for \$135. Or select four programs at a 10% discount from single ticket prices. Contact GLAF at 301-387-3082. GCC means Garrett Community College, WoW is Will 'O the Wisp, and DCL Park, is the Deep Creek Lake State Park.

Music at Penn Alps

The Penn Alps, on old US Route 40 in Grantsville, offers a summer music program. All performances start at 7:30 PM Saturday evening. Tickets are \$10 at the door. There are no reserved seats.

June 1	Astral Piano Trio
June 8	Khang Ho Lee, Cellist; Minyoung Lee, Piano
June 15	The New Minstrels of the Rhine: American Branches, German Roots—Singing & Guitar
June 29	Songfellows—Male Quartet from the Metropolitan Opera
July 6	National Symphony Orchestra Concertmaster—Nurit Bar-Josef & Principal Viola Daniel Foster, Piano—Audrey Andrist
July 13	Cassat String Quartet
July 20	National Symphony Orchestra Principal Second Violin—Marissa Regni & Kathryn Brake—Piano
July 27	Katherine Needleman, St Paul Chamber Orchestra Oboist with Piano
August 3	Washington Cornet & Sackbutt Ensemble
August 10	MinSoo Sohn, Piano; Silver Medalist, 2000 Cleveland International Piano Competition
August 17	First Chairs from Garrett County Community Band, with Conductor Jerry McGee
August 24	Unfortunate Rakes—Celtic Band
September 14	Joe Lowe—Piano

Wildlife—Deer & Bear

The Maryland House of Delegates approved a wildlife control bill that will allow for a one-Sunday deer hunt. The Sunday following the first Saturday of Deer Season will be open for hunting. This does not apply to metropolitan areas of the state. Some of you may have noticed that the lower half of your Rhododendron bushes have no leaves. You have been feeding the deer.

A bear management bill was not approved by the Maryland Senate. The legislation would have authorized the DNR to issue hunting permits to landowners who could demonstrate that their property had been damaged or livestock threatened by a rogue bear. A bear hunt was also voted down.

The POA urges all property owners that subscribe to a refuse collection service to obtain large bear proof refuse containers. A rental property with six or eight bedrooms needs more than one such container! Please, before someone gets hurt.

New Building Code Adopted

The new code is essentially the same ordinance that the County has been using since 1997 with only two changes. An accessory building (shed, little barn, garage etc.) over 150 sq. ft. will require a permit.

Speed Limit Changes

Those of you who take MD 495 from I-68 to your lake property will be glad to learn that the speed limit in Bittinger has been increased to 45 mph. Some of you may have had an opportunity to “buy a ticket to the Policemen’s Ball” at that location.

Ducks & Geese

In the spring and fall months, the lake gets a goodly number of interesting migrating ducks, loons, and other water birds. Just about all year we have the mallards and Canada geese. Some folks encourage these handsome birds by feeding them. However, please be considerate of you neighbors who may not care for the “deposits” left on their lawn and docks. And you may wish to consider water quality for swimming.

County United Way

This year Garrett County raised \$80,556 or 93.8% of its goal. The POA member contributions totaled \$6,080 up from \$5386 last year. Thank you for your support.

POA Membership

We now have 1140 paid members. Thank you for your support. In fact ten of you have paid dues through 2003. As we explained in the Winter Dispatch, we upgraded our mailing lists by merging with the DNR Buffer Strip Use Permit lists and District 18 tax records as supplied by Spec Print. We purged duplicates by computer and by eye, but some of you may be getting multiple copies, for example one sent to your home address and another to a business address. If you get duplicates, please let us know. Call, write or e-mail to membership chairman at tedriss@earthlink.net.

We are only sending the Dispatch to dues paying members. However, we note that we have 345 folks who paid in 2001, and have not signed up this year. We are giving you a second chance by sending you the Spring Dispatch, with a reminder to send \$30 to POA, P.O. Box 816, McHenry,

MD 21541. We have included a membership coupon for your convenience.

After your name on the mailing label on your Dispatch you will find an 01 or an 02. If there is an 02 or 03 you have paid. If an 01 you have not. We tried to carefully explain this, since last year many of you were insulted and thought you were being billed twice.

Sewage Charges

Many of you may have heard the term ERU. Translated this is Equivalent Residential Unit. One ERU is charged \$62 per quarter for sewage. If your property is in a part of the lake not served by sewers, your septic field size is determined by the number of bedrooms.

The Sanitary Commission, along with many others, is concerned about the very large homes that are being built around the lake. For example, there are now 19 rental homes with more than seven bedrooms. The Sanitary Commission, however, has decided to charge based on the number of bathrooms. Many people believe that the number of bedrooms better determines the number of people using the property, and therefore the impact on the sewage system. The following Table explains the new rates:

Number of Bathrooms	Base Rate	Factor	Quarterly Charge
0.5-3.0	\$62	1.0	\$62
3.5-4.5	\$62	1.5	\$93
5.0-6.0	\$62	2.0	\$124
6.5-7.5	\$62	2.5	\$155
>7.5	\$62	3.0	\$186

There are lake homes with 3.5 baths, and only two permanent residents. These properties will pay as much as a large rental home with 4.5 baths, and perhaps seven bed rooms with perhaps a dozen guests almost all summer, and again during ski season. Some think the charge should be based on bedrooms, not bathrooms. However, the most equitable way is to charge based on use.

In the process of learning about this situation, the Dispatch learned that there are no more ERU’s available. A few individuals with an undeveloped lot, and a number of developers with more extensive holdings have bought them up.

Four-Stroke Engines

Environmental regulations are pushing manufacturers towards four-stroke engines. Four-stroke outboard engines have gained favor in recent years. They are quiet, they use less fuel, and they run more cleanly. US Environmental Protection Agency (EPA) regulations require that new outboard and personal watercraft (PWC) engines reduce hydrocarbon emissions by 75% by 2006. Environmentally

conscious boaters should look for a specification indicating 2006 EPA compliance. We understand that four-stroke PWC's are now available. The reduction of the high-pitched whine will be greatly appreciated.

Maryland Natural Resources Police

The fall *Dispatch* had an article about the Natural Resources Police. To address some of the concerns expressed in our fall article, the POA invited the Natural Resources Police to our April Board meeting. Lt. and acting Captain Donald H. Simmons, along with Sergeant Michael Kueberth, spoke to our group. He explained that there were five Natural Resources Police in Garrett County (as we reported in the fall). He further elaborated that there were 1,252 hours on Deep Creek during 2001. During the weekends they schedule 14 hours on Deep Creek. In addition they have what are called saturation patrols which are basically the Holiday weekends and require up to seven people. If we assume a nominal three month boating season at Deep Creek, the 1,252 hours if spread evenly over the season on a 24 hour day translates to about 50% coverage. Allowing for expanded coverage on weekends and holidays,

it becomes clear that on a number of weekdays, officers are on the lake less than 12 hours per day.

Communication with these officers can be difficult. What *always* works is the Annapolis 800 number, 1-800-628-9944. Be sure to explain that you are calling about Deep Creek LAKE. The Natural Resource Police have their Western Maryland Headquarters in Flintstone MD. That number is 301-777-7771. It is manned from 8 AM to 4PM Monday through Saturday. At other times it "rolls over" to the 800 number. Some officers have told us that we can also call the Lake Managers Office or the State Police Barracks in McHenry. Other officers have advised against this method.

As we wrote in the fall, for a problem on the Buffer strip call the Lake Managers Office at 301-387-4111. The Garrett County 911 number should only be used for problems that will likely require fire and rescue in addition to police help.

Be advised that during the 2002 boating season on Deep Creek Lake the Natural Resources Police are planning to concentrate on DWI. Please stay sober while driving your boat.

POA—PROPERTY OWNERS' ASSOCIATION OF DEEP CREEK LAKE, INCORPORATED
POST OFFICE BOX 816 • McHENRY, MD 21541 • (301) 387-4455
FOR THOSE WHO HAVE NOT PAID 2002 DUES

- RENEWAL
- NEW MEMBER

CALENDAR YEAR 2002 DUES—\$30.00

Name _____ Home Phone _____

Lake Location _____ Lake Phone _____

Mailing Address _____

City, State, Zip _____

Legal Residence: Deep Creek Lake Other

Comments _____

Date _____

POA Board Members

Lou Battistella	724-832-8731
Michael Belmonte	301-387-6371
Robert Edin	412-833-8885
Katheryn Gemberling	301-384-2850
Scott Johnson	301-387-8547
Jonathan Kessler	301-387-6229
Ed King	301-387-5702
W. Tom Myers, Treasurer	301-387-9162
William Nickles.....	301-387-2506
Carole Perez, Secretary	301-387-5406
Ed Peters	301-797-7824
Ted Rissell, VP, Membership	301-387-6463
Mark Rothman	301-229-7992
Jack Seelig.....	703-323-7076
Fred Thayer, President	301-387-9439
Roger Titus, Vice President.....	301-365-2930
Frank Wolffe	703-356-7604

Property Owner's Association of
Deep Creek Lake, Inc.
P. O. Box 816, McHenry, MD 21541

**DEEP
CREEK
DISPATCH** 

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Terra Alta, WV
Permit 101