

DEEP CREEK DISPATCH

Winter 2009

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

President's Comments: Winter 2009

Dear POA members and friends,

I trust that this issue of the Dispatch finds you and your family well and enjoying winter. The winter at Deep Creek has had its ups and downs as far as weather is concerned. On the up side, we've received mountains of wonderful snow that has provided us the opportunity for great outdoor activities, like skiing. While on the downside, we've experienced way too much rain and ice that has caused power outages and unsafe driving conditions. Likewise, we've also experienced ups and downs relative to things that affect the quality of life at Deep Creek.

On the up side, Friends of Deep Creek Lake, an organization whose interest and mission is the lake and the lake watershed quality, has been formed. On the down side, the excessive boat noise issue that the lake has been dealing with for years, is in jeopardy of not being resolved. Also, on the down side is the \$750.00 application fee the state now requires for shoreline erosion control projects.

The following is taken from their mission statement as found on their informative website: www.friendsofdcl.org. "Friends of Deep Creek Lake will facilitate collaborative efforts, help identification of problem areas, articulation of various viewpoints, education about watershed issues and best management practices, identification of existing and potential resources and help acquisition of financial and other resources. Initial efforts will include the following:

- Formation of network of volunteer stewards organized by sub-region who will conduct monitoring activities and organize volunteer efforts.
- Expansion of water quality monitoring program, building on and cooperating with current County and State efforts.
- Support for research identifying current problems and potential threats to the watershed.
- Collect information on best management practices for lake-based watershed protection.
- Creation and distribution of educational resources to promote watershed stewardship practices."

Members of your Board of Directors are working with

this organization to provide input and guidance. We are hopeful of the long-term benefit Friends of Deep Creek Lake will bring to all lake stakeholders.

On the down side, the Boat Act Advisory Committee did not act at its January 22, 2009 meeting to change **excessive boat noise regulations**. One big reason is that they did not feel there was a problem, based on lack of public input. Only four residents spoke at the well-publicized meeting held at the Discovery Center in December, while fourteen committee members, from all corners of the state, participated.

I know that many of you are tired of years of complaining, making phone calls and writing letters when all you get in reply is "the boat is in compliance" or some other such non-satisfying response. If excessive boat noise has any chance of being eliminated (or reduced), let's give it one more try. We need letters. Look for information and a call to action after April 20, 2009 on the POA website: www.deepcreeklakepoa.com.

The state now requires a \$750.00 application fee for all **erosion projects**, whether it is for a retaining wall on your lakefront or a large commercial development project. This fee is being charged so that additional staff can be hired to reduce the huge backlog of applications. We feel that this "one size fits all" approach is not correct and that any lakefront erosion control protects the state's resource, Deep Creek Lake, and should not incur any fee. The POA and the Deep Creek Policy and Review Board are working on this. We'll keep you posted.

In the meantime, if any lakefront property owner has a minor erosion problem that they want to correct, they can apply for a "vegetative shoreline" permit. In many ways shoreline vegetation provides superior protection to the lake than does a retaining wall. There is no charge for this permit and only MDE approval is required. For more information, search the internet for "vegetative shoreline" and contact the Lake Management office at 301-387-4111.

Remember to check the POA website www.deepcreeklakepoa.com regularly for new and updated information regarding Deep Creek Lake and topics that affect your property.

Best regards,
Scott

DNR Policy Change:

Special Permits Now Required for Grandfathered Improvements. This information was provided to all the realtors by Paul Durham and passed on to the POA by Board member Jonathan Kessler.

There has been a change in DNR's policy with regard to how older "grandfathered" improvements on the buffer strip will be recognized. Up until now, any improvement that existed with Penelec's or DNR's approval prior to DNR's original management of the lake in 1980, or before DNR's first set of regulations in 1986, did not require a permit. The permits were intended for new improvements only and DNR would simply document the older grandfathered improvement in their site inspection reports.

DNR has not required permits for these improvements for 28 years. DNR Lake Manager Carolyn Mathews has informed us that they are reinterpreting the regulation and are requiring property owners to apply for a Special Permit when DNR identifies a grandfathered improvement during a site inspection. DNR also reserves the right to require removal or significant alterations to the grandfathered improvement and the permitting process provides the method and leverage to do so.

What does this mean to property owners? There are examples where DNR has conducted a buffer strip inspection, either at the request of the property owner, a buyer or a Realtor prior to closing and then required significant modifications to or the removal of the formerly grandfathered improvement. Depending on the terms of the contract of sale, and the timing of DNR's inspection, this might impact your closing by introducing unexpected DNR permit issues and costs of complying with DNR's orders.

Maryland Park Service Passports: A Report from Carolyn Mathews

Frequent Maryland State Park visitors can take advantage of unlimited day-use entry to the state's public lands by purchasing a state park passport. The 2009 Passport can be purchased for \$75 for Maryland residents or \$100 for out-of-state residents. This passport expires on December 31, 2009. Passports can be purchased at any state park, or online with a credit card through the Maryland Department of Natural Resources website. http://www.eastcart.net/MarylandDepartmentofNaturalResources/Park_Passes.html

The passport offers: unlimited day-use entry for everyone in the vehicle (up to 10 people) to Maryland's state parks and Cedarsville State Forest; unlimited boat launching at most facilities; and a 10% discount on state-operated concessions and boat rentals. For parks with honor box systems, the passport covers entry service charges. Deep Creek Lake State Park, Herrington Manor and Swallow Falls State Parks and New Germany State Park all have honor boxes at their entrance gates and are chargeable day-use areas year around.

The passport is intended for use by individuals and families visiting Maryland State Parks and is not to be applied to any type of commercial activity. The Maryland Park Service also has other passes available through an application process for senior citizens (62 or older). This is the Golden Age Passport that entitles cardholders to free entry to all State Parks that charge service fees. The other passes are for disabled individuals and organized youth groups. More information about each of these passes may be found at the following website. <http://www.dnr.state.md.us/publiclands/about.html>. The staff at Deep Creek Lake State Park will be happy to answer additional questions about passes and the facilities of the Maryland Park Service. They can be reached at 301-387-5563.

Boating Safety

As the boating season approaches, the Board of Directors would like to remind boaters of some very important regulations and safe-boating practices on Deep Creek Lake.

- Boaters born on or after July 1, 1972 must carry a National Association of State Boating Law Administration (NASBLA) approved certificate of boating safety education (CBSE) when operating a boat in Maryland waters.
- A boat operator whose blood or breath analysis shows an alcohol concentration of 0.08 or greater is considered to be under the influence of alcohol and subject to criminal prosecution.
- All children under the age of 7 must wear a U.S. Coast Guard approved flotation device (life jacket Type I, II, II, V) while underway on a recreational vessel under 21 feet in length on Maryland waters. If a child is under 4 years of age or under 50 pounds, the PFD (Personal Flotation Device) must have a strap that is secured between the child's legs to fasten together the front and back of the PFD. It also must include a web handle for easy accessibility, and must maintain the buoyancy of the child with an inflatable headrest or high collar.
- Children may not operate a PWC (Personal Watercraft) until they are 16, but so long as they have a CBSE they may operate a boat at any age. A child must be 12 years old to operate a boat while pulling a skier or tube.

If you take an approved boating safety course you will receive general information about vessels and basic maintenance, how to make your boating experiences safer and more comfortable and tips to be a more courteous vessel operator. You will also become familiar with the laws and regulations that are important considerations when operating a boat in Maryland waters. There are three methods in which to obtain a Maryland Basic Boating Safety Certificate:

- Classroom:

The DNR approved Maryland Basic Boating course is offered at Garrett College. Call 301-387-3069. At Garrett you must be at least 12 years old to take the course. You can also go to <http://www.dnr.state.md.us/boating/safety>. Click on Maryland Basic Boating and use the link

Boating Safety Class Listing that will provide dates and registration times not only at Garrett College, but also at other community colleges in Maryland.

- Online

The Maryland Basic Boating Course is now available online. When you pass the online exam with an 80% or better, you can print out a temporary certificate that is good for thirty days. You will receive your Maryland Boating Safety Education Certificate in the mail within 5-7 business days. For information go to <http://www.dnr.state.md.us/boating/safety>.

- Equivalency Exam

Use the above website and click on Maryland Basic Boating Equivalency Examination.

2009 Dues Statement

Included in this issue is your 2009 Dues Statement. Please fill in the requested information and return the form with your payment. The Board of Directors also welcomes any comments you may have.

2009 Meeting Schedule

Board Meetings: UNO'S 8:30 AM

APRIL 18, 2009

JUNE 13, 2009

AUGUST 8, 2009

NOVEMBER 7, 2009

General Membership Meetings: Garrett 8 Cinemas

JUNE 27, 2009

AUGUST 22, 2009

Additional Informational Items

1. Gypsy Moths

The Garrett County Commissioners have pledged funds toward a gypsy moth suppression operation on private lands this spring. They agreed to commit \$1,700.00 toward a local cost-share program. The Maryland Department of Agriculture predicts that only 101 acres of private land will need to be sprayed. Because fewer egg masses were laid last spring due to the wet spring that fostered ideal conditions for a fungus that attacks gypsy moth caterpillars, there should be fewer caterpillars eating leaves this spring. However, counties further east may have a more serious problem.

2. Sunday Sales

The referendum on the November ballot dealing the sale of alcohol in restaurants on Sunday with the purchase of a meal passed in several districts. Those establishments north of the Deep Creek Bridge, including the Sang Run district passed the measure as did East Oakland. This dis-

trict runs on the right side of northbound Route 219 from Oakland to the Deep Creek Bridge. If you are unsure, call your favorite restaurant.

3. Water Quality Study

The Deep Creek Lake (DCL) Workgroup met on January 29, 2009, at Garrett College. The meeting focused on the furtherance of lake-water quality monitoring programs that will look at the overall health of the lake. Presentations were given on recent studies by the United States Geological Survey (USGS) and shoreline surveys by the Department of Natural Resources. The USGS study is in final scientific review with the report expected to be delivered to DC Lake Management before the spring thaw. This study is looking at sedimentation in the lake over time and establishing a baseline for future action. The shoreline study is a unique photographic tool that the Lake Management Office can use to better evaluate erosion along the lake's edge and educate property owners about things they can do to reestablish and protect the shoreline. The workshop also reviewed a draft of the 2009 DCL monitoring plan. There will be opportunities for citizen volunteer participation as current programs are expanded and new programs are established. The Lake Management encourages positive community involvement and good stewardship of this important resource.

A listing of these upcoming programs will be distributed as they become available. Please contact the Lake Management Office at 301-387-4111 for information about this or any other lake related issues.

Our thanks to Carolyn Mathews and Mark Spurrier, Assistant Manager of the Deep Creek Lake Recreation Area, for this information.

4. Comprehensive Plan

After more than two years of preparation, numerous meetings and public hearings, and hundreds of volunteer hours, Garrett County has a new comprehensive plan. The new document differs somewhat from the one adopted by the Planning Commission, the local organization that has overseen the plan's drafting process since June 2006.

Director John Nelson, Garrett County Department of Planning and Zoning, said two paragraphs in the "Ridgelines" section of the Sensitive Areas chapter were eliminated from the Planning Commission's version. One paragraph recognized ridgelines as "sensitive areas in need of protection." The second deleted paragraph noted that large-scale use of ridgelines for wind power development "could be incompatible with the aesthetics, scenic quality, and rural character of the county."

Nelson went on to say that the commissioners also added two lines to page 15 in the Sensitive Areas chapter. The first states that "the county further acknowledges property rights of owners of land that is suitable for wind power facilities to use that property for that purpose." The second added line notes that the commissioners "intend to seek legislation to establish setback requirements from property lines and from existing residences to wind turbines." The commissioners adopted their revised version.

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2009 Garrett County United Way Campaign

The local United Way Campaign is underway and the contribution materials and information are enclosed with this newsletter. The POA Board of Directors has endorsed this charity and encourages POA members to contribute. To obtain United Way funds, an agency must provide data showing specific benefit to Garrett County residents. The supported agencies and their program descriptions are listed in the enclosed information. Please fill out the enclosed form and send it and your contribution in the envelope provided.

Cultural Events

A complete listing of the summer 2009 Cultural Events in Garrett County will appear in the spring 2009 issue of the Dispatch. However, the Garrett Lakes Arts Festival (GLAF) will be presenting a performance by the Dave Leonhardt Jazz Group and Shelley Oliver Tap Dancers on April 17th, 2009, in the Garrett College Auditorium at 7:30 PM. Also, please note: if you purchase a season subscription by February 28, 2009, you will receive a 10% discount. This entitles you to one ticket to each ticketed event. Call 301-387-3082 or go to www.artsandentertainment.org for tickets and information.