

DEEP CREEK DISPATCH

Winter 2010

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

MESSAGE FROM THE PRESIDENT

Dear POA Members:

The Board of Directors of the POA has been looking at all the various issues that are before us as property owners at Deep Creek Lake. These are Lake Water Levels, Water Quality, Boat Noise, PWC's and last, but not least, the three principal Land Ordinance Revisions. All of these will be discussed in this issue of the Dispatch.

We have accomplished an improvement in our communication with you, the members of the POA, with our electronic mail format which includes our capability to send alerts to you on hot topics. We plan to maintain the print version of the Dispatch at least through the Spring Issue. Subsequent newsletters will be limited to the "e-format" only and they will be emailed to you. Our Website: www.deepcreeklakepoa.com provides the ability for you to keep us informed of any changes that occur to your membership information.

Please make note of the new date for the public hearing concerning the proposed revisions to the Land Ordinances which is scheduled for March 6th, 2010, at 10 AM in the auditorium at Garrett College. If that date is cancelled due to inclement weather, the alternate date is March 11, 2010, at 7 PM.

The weather that we have experienced so far this year has been much more intense than we have seen in recent years. The skiing has been great, but on several occasions the snow has been so deep the snowmobiles have had a hard time getting around.

Rest assured that the Board continues to work hard in addressing issues that affect all members of the POA. I have sincerely appreciated your comments and always try to respond quickly to all. If there is anything I can help you with, please do not hesitate to contact me.

Lou Battistella, President

POA SUPPORTS LAND ORDINANCE REVISIONS

The POA will issue a statement supporting the Land Ordinance Revisions at the open meeting to be held by the Planning Commission. This meeting has been rescheduled for March 6th, 2010, at 10:00 AM in the auditorium at Garrett College in McHenry, MD. These revisions pertain to the Deep Creek Watershed, the Sensitive Areas of Garrett County, and the Subdivision Ordinances that need to be

compatible with the Garrett County Comprehensive Plan. The Board of Directors of the Property Owners' Association of Deep Creek Lake has carefully considered these revised Ordinances from the original draft presented in October 2009. The Board feels that, although not every single concern of all persons has been addressed satisfactorily, on balance, they believe that the proposed revisions improve on the original draft. They will recommend that the Planning Commission forward the revisions to the County Commissioners for approval. The revisions are all available on the County's web site at www.garrettcountry.org. Please click on Revisions to Ordinances. Public comments will be taken at the meeting and the public record will remain open for a period of time.

In an attempt to help you understand why these revisions were made, the following is a brief summary:

- MD state law requires that County Ordinances (Deep Creek Lake Watershed Zoning Ordinance, Garrett County Subdivision Ordinance, and Sensitive Areas Ordinance) be revised to be compatible with the requirements of the Garrett County Comprehensive Plan as well as the requirements and eight "Visions" set forth in Article 66B of the Annotated Code of Maryland.
- MD State law requires that the Comprehensive Plan be updated at specific intervals. A Comprehensive Plan was approved by Garrett County in 2008.
- The "Smart Growth Law" adopted by the Maryland Legislature requires that new growth plans and ordinances concentrate development in suitable areas known as Priority Funding Areas (PFA). To obtain State funding or financing assistance for public infrastructure improvements, projects must be located within a PFA. This has been a problem for Garrett given the majority of recent development has been in the lake watershed and is of the Vacation Resort nature. This type of development is not compatible with the 3.5 dwelling units per acre required by the PFA. The Planning Commission and an ad hoc committee have worked to soften the impact of the PFA requirements; however, some accommodation of these requirements is not presently escapable.
- The Visions identified in State Law also require that in rural areas Plans and Ordinances should direct growth to existing population centers and that resource areas be protected. Major implications from the incorporation of these requirements include:
 - Changes to the Zoning districts and Maps to limit the MAXIMUM possible growth within the county to be supportable by the existing and feasible improved infrastructure such as sewer service, utilities, roads and

other means of transportation. These changes also included changes to retain the rural character and conserves natural resources by the County by limiting residential development to a relatively low average density.

- Incorporation of a Scenic Protection Overlay District to preserve the scenic views of the ridge tops and crest lines surrounding Deep Creek Lake: Note: the early requirements of these protections were reduced due to strong resistance of affected property owners, developers, real estate establishments and the recognition that a simpler and less expansive approach was needed.
- Setbacks are required for implementation of wind turbines and natural gas exploration in the Lake Watershed (an action in the State Assembly is pending to further control the setback requirements for wind turbines outside the Watershed).
- Provisions to retain trees and other vegetative cover for new subdivisions abutting Scenic Byways.
- Incentives to promote cluster development in Agricultural Resource and Rural Resource areas as the preferred option have been established. These policies are intended to preserve rural character and conserve natural resources by preserving a minimum of 50% of a site in preserved open space.

In addition to supporting these revisions, the POA is adding to the position statement the long expressed belief that Garrett County, by not extending any land use controls outside of municipalities or the Deep Creek Watershed, is exposing itself to serious potential harm to both full-time and part-time residents of the county. The absence of countywide zoning has left the county essentially powerless to take any action to impose reasonable controls on the development of uses, such as wind turbines, in stark contrast to all the other counties of Maryland. The POA is urging both the Planning Commission and the County Commissioners to proceed toward the development of minimal land use controls for the entire county.

Due to space limitations, additional information pertaining to the Ordinance Revisions are not included in this Dispatch letter. The POA would refer you to the article in The Republican Newspaper, both on January 21st and January 28th announcing the February 6th (now March 6th) public meeting. It is an excellent summary of the issues that are at stake. Our thanks to Troy Ellington and Lou Battistella for this information.

POLICY AND REVIEW BOARD MEETING

The January 25, 2010, meeting of the Deep Creek Policy and Review Board was crowded when two representatives of the Brookfield Power Company, which owns and operates the dam, explained that the September, 2009, lake levels were low, although within the rule bands, because there was less rain than usual. They went on to explain that the permit under which the company operates requires specific water releases for whitewater activities, maintaining the flow of the Yough, and maintaining the water temperature for fish.

Audience members who asked whether the company would avoid a similar lowering of the lake in September of this year were told that the company's hands are tied because of their permit requirements, which are in effect for the remainder of the 12-year permit (last renewed in 2007). They said we should all hope for rain. The Policy and Review Board appointed a committee to work with Brookfield in hopes of finding some way of dealing with what appears to be an intractable problem.

Bob Lunsford, Boating Services, Maryland Department of Natural Resources, announced that the boat noise legislation (S.B. 70) is on track in the Maryland General Assembly. The draft legislation requires that engines manufactured after January 1, 1993, must have (and have constantly operating) a muffler. Persons may not operate a boat manufactured after January 1, 1993, that is equipped with "an alternative muffler or a functioning device that bypasses, reduces, or eliminates the effectiveness of a muffler or engine noise suppression device or system." The penalty for the first offence is \$500.00. For the second offense it is \$1000.00 or imprisonment or both.

The proposed amendments to the lake regulations to expand the number of power boats allowed at docks from two to three, if one is a PWC, have cleared all the necessary procedural hurdles and are ready for final publication. But publication is being held up because 1.) The Superintendent of the Park Service is now reviewing the matter because of the volume of comments that were received, and 2.) There is routine moratorium on work on regulations while the Legislature is in session. Carolyn Mathews, Lake Manager, DNR, said that the Superintendent is exercising her prerogative to review a change in regulations at any time before final publication. Final publication in the Maryland Register will likely occur in April if the Superintendent is satisfied with the proposed amendments. See Carolyn Mathews' comments on this issue in the next article.

Please Note: Commercial permitted slips are not to be reserved for a particular homeowner's association. They are rented on a first-come, first-served basis. Therefore it is illegal to reserve slips that exist under a commercial permit. This article was written by POA and Policy and Review Board member Barry Wineberg.

NOTES FROM THE DNR

Carolyn Mathews, Manager, Deep Creek Lake Natural Resources, has provided the following information on current issues concerning Deep Creek Lake. The water sampling team was out in January for its last sampling of the season. They took samples through the ice, which is something that has never been done before. It may prove to produce some interesting information. The final report for the FY 2009 sampling has not been completed yet as they wanted some ice condition samples. There will be more on this in the spring issue of the Dispatch. The samplings are a part of the Water Quality Study. A power point presentation was made to the POA General meeting last August on this topic in which future goals such as getting mainstream samples through ice cover were presented. Other future goals and activities are online access via a Web page, evaluation of the monitoring results and developing a 2010 water monitoring strategy

focused on management needs. This may include focused monitoring efforts, continuous monitoring, additional tributary stream gages, aquatic plant survey and a citizen LakeWatch.

This year the DNR will be more lenient concerning the timing of putting docks in. If the permit is paid and the water is open, docks may be put in the water. The permits are mailed in February and must be paid by March 31st. On the back of the cover letter to the annual buffer strip use permit is an excellent article on the Stewardship of Deep Creek Lake. Space limitations dictate that this information cannot be reprinted in full. However, please remember if you or a previous owner purchased the "buy Down" when it was offered, a Deed of Conservation Easement protects that land from development, and among other things, prohibits any removal or damage to trees and shrubs. You must also receive written permission to make any changes to that land.

It has been twenty years since a regulation change was proposed for the use of the land and waters of Deep Creek Lake. Some language changes relating to ownership of the lake were made in 2000 when the State of Maryland purchased the lake. However, no changes were made at the time to the sections of regulations that affect the adjacent property owners' use of the buffer strip or the boats at the docks. However, in conversations with property owners around the lake, one could be led to believe that regulation changes occur yearly as there is so much confusion about them. There is no doubt about it-the regulations are complicated for anyone to read, to follow, to patch together the different parts that make the whole, and hearsay is the most often used method of communicating the Deep Creek Lake regulations. So, go to the regulations. They are available on line at www.dnr.state.md.us/publiclands/dcregs.html for anyone to review anytime and a Ranger is a phone call away at 301-387-4111 for clarification or information. The lake management email address is lakemanagement@dnr.state.md.us. We will also make copies of the regulations and mail them to anyone who doesn't have access to the internet.

The proposed regulation changes that would affect the number of power vessels permitted at the docks have been in the works for over two years. The concept and drafting of them involved much discussion between the DCL Policy and Review Board members and the Lake Management office. The formal drafting of the regulations proved to be a difficult process, one that took many hours of time and repeated efforts. Many, many more hours were spent in the second phase of this process, explaining the proposals to staff, to DNR leadership, to businesses, to NRP officers and to property owners and permit holders. The public comment period was open in October and November of 2009. A number of people took the time to write their thoughts and concerns, not only about the proposal, but also about other things that concerned them on the lake-speed, congestion, noise and confusion. Others wrote-looks good to me, or I like it, when will it happen, or good job-keep up the good work. The Superintendent of the Maryland Park Service, the unit of public lands that manages the lake, took the time to read each one of the comments and she and I had lengthy phone calls to discuss the topics that were brought to our attention in those comments. The General Assembly is in session and there is always a moratorium on regulation movement during this

time. So the proposed changes to the Deep Creek regulations are waiting for an issue date and an announced effective date. I expect that to happen sometime in March. If nothing stops the process, the Lake Management office will begin to take buffer strip use permit applications for personal watercraft to be permitted at docks this summer. Please wait for an announcement before submitting an application. Buffer strip use applications are available on line at www.dnr.state.md.us/publiclands/dcregs.html.

NO DIDYMO IN DEEP CREEK LAKE

In December 2009, the Maryland Department of Natural Resources announced that Didymo, an invasive, non-native algae, had been found in the Savage River below the Savage River Reservoir. This could impact native brook trout populations and could possibly spread. Carolyn Mathews of the DNR has assured the POA that Didymo has not been found anywhere in Deep Creek Lake and may not appear there. Its habitat requirements are swiftly flowing water and a rocky bottom habitat, not a deep-water lake environment. However, she stressed that it is important for anyone fishing in various areas to clean and dry their lines, boots, and tackle thoroughly. The same thing goes for boaters who use boats on multiple bodies of water. They should remove weeds from trailers and props before leaving the area. They should also clean and dry out the live well and clean and dry any equipment that has had contact with the body of water. Bottom line: we do not want Didymo in the lake and should do our best not to bring it or any other invasive species here.

Forestry and Natural Resources Careers Conference (NRCC)

During the week of July 25 through 31, 2010, the Garrett County Forestry Board, along with other Forestry Boards across Maryland will hold a week-long careers conference for high school students on Forestry and Natural Resources. Our Board would like to encourage the members of the Deep Creek POA to consider having interested high school students apply for this week-long conference and we will also offer financial assistance. The NRCC is presented by the Maryland Association of Forest Conservancy District Boards and the Maryland Forestry Boards Foundation, in partnership with Allegany College of Maryland and the Maryland Department of Natural Resources, Forest Service. The conference is held at the Hickory Environmental Education Center in Garrett County. At NRCC, we teach high school students about sustainable natural resource management, using our forests and the facilities at Hickory as our classroom. With the pressures facing today's working forests, educating good land stewards has never been more important. For details on the conference including an application form as well as viewing a video of some of the student activities, please visit <http://www.gcforest.sailorsite.net/>. Our thanks to Chuck Hoffeditz of the Garrett County Forest Conservancy District Board for providing this article.

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2010 DUES STATEMENT

Included in this issue is your 2010 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. You may also go to the POA web site at www.deepcreeklakepoa.com and click on Member Login for a membership sheet that can be printed out and returned with your dues to the address listed. Also, on the front/home page of the web site is a section that invites the reader to sign up for the electronic newsletter or update their addresses. If a reader tries to add an address that is already on the mailing list a notification is flashed on the screen advising this. Please do update your addresses and/or email addresses on our website. It is easy!

2010 Meeting Schedule

Board Meetings: Uno's: 8:30 AM:

**April 10, 2010, June 12, 2010,
August 7, 2010, November 6, 2010**

General Meetings: Garrett Cinemas:

June 26, 2010, August 21, 2010,

Coffee Social: 8:00 AM Meeting: 8:30 AM

2010 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.

COMMUNITY NOTEBOARD

A complete listing of the summer 2010 Cultural Events in Garrett County will appear in the spring 2010 Dispatch. Before that issue comes out, the Garrett Lakes Arts Festival (GLAF) will be presenting the Yu Wei Dance Collection on Saturday, April 24th, 2010, at 7:30 PM in the auditorium at Garrett College in McHenry, MD. On Friday, May 21st, 2010, at 7:30 PM, GLAF will present The West Virginians in the auditorium at Garrett College in McHenry, MD. 2010 Season Subscriptions are available at a 10% discount until February 28th, 2010. This entitles you to one ticket to each ticketed event. Call 301-387-3082 or go to www.artsandentertainment.org for tickets and information.