

DEEP CREEK

DISPATCH



Winter, 1999

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

From the President

LAKE SALE AND MANAGEMENT UPDATE

Since our last issue, much has happened in terms of the sale and future management of Deep Creek Lake, but much remains to be done.

In the last issue, we advised you that principal responsibility for the negotiations for the acquisition of Deep Creek Lake had been transferred from the Maryland Secretary of Natural Resources, John R. Griffin, to then Secretary of General Services, Eugene R. Lynch, and Andrea Leahy-Fouchek, an attorney on the Governor's staff. Since that time, Mr. Lynch has been promoted to Deputy Chief of Staff to Governor Parris N. Glendening, but has retained responsibility for the negotiations for the acquisition of the Lake. While the parties are closer together on valuation issues than they were in the past, they have not yet reached an agreement. In the meantime, the Governor has consulted on Lake acquisition issues with V. Paul Zanecki, a private attorney with an office in Annapolis who previously practiced in Prince George's County and who has developed land in Garrett County. The exact nature and extent of the role to be played by Mr. Zanecki is not clear, but he is believed to be consulting with the Governor and his staff on the negotiations.

While the process for State acquisition of Deep Creek Lake continues, two different groups have been working on future management issues. Under State law, a Deep Creek Lake Advisory and Review Committee is established and has

functioned in an advisory capacity for many years. Secretary Griffin requested that the State Committee provide recommendations to him on the future management of Deep Creek Lake, and the Committee held a series of meetings devoted to this task. The State Committee, chaired by former POA President Ed King, presented its recommendations to the Secretary, and met with him in Oakland on January 11, 1999.

The Board of County Commissioners appointed a Deep Creek Lake Advisory Committee to advise the Board concerning future management of the lake, and the conditions that it might wish to impose as a condition of its consent to the acquisition by the State of Deep Creek Lake, a consent which is required under State law. The County Committee, which is chaired by retired Circuit Court Judge Fred A. Thayer, also held a series of meetings and presented its recommendations to the County Commissioners.

Both Committees, while working independently, worked collaboratively to develop suggestions that would, to the maximum extent possible, be consistent with each other.

When they completed their work late last year, both Committees submitted proposals that were essentially identical. Each recommended establishment of a Deep Creek Lake Management Authority that would consist of a small number of members representing both State and county interests, including a representative of the POA and of the Garrett County Chamber

of Commerce. Both Committees also recommended that the new entity have a significant role in the development or amendment of regulations for Deep Creek Lake.

Secretary Griffin held separate meetings with the State Committee and the County Commissioners on January 11, and rejected the recommendations of both Committees out of hand, and said that they were unacceptable. He did not specify how the recommendations were unacceptable, and did not give any specific guidance on what steps should be taken to correct any deficiencies.

The matter has been studied further by the Secretary of Natural Resources and by the members of the Governor's staff, and a draft bill was recently prepared and circulated by Delegate George Edwards for comment which would provide for a State Committee that would essentially be advisory in character, and have no role to play with respect to the approval of regulations affecting Deep Creek Lake. Contrary to the recommendations of both the State and County Committees, the draft legislation would provide for a specific seat on the State Committee for the Maryland Bass Federation, but for none of the many other special interest groups having members using Deep Creek Lake.

The draft legislation is undoubtedly going to be the subject of spirited discussion and debate in the weeks remaining before the end of the Maryland General Assembly session which concludes in the first week of April. Watch for more information on this topic in your newspapers and in the next issue of *The Dispatch*.

Roger Titus

Membership & Meetings

Your 1999 Property Owner association dues of \$30.00 are now due. Please complete the membership form included and return in the envelope provided. We ended 1998 with 1,103 members. We recently updated our mailing list by merging our list with the DNR buffer strip

use (aka dock) permit mailing list. We now reach 4,220 lake property owners.

Mark your calendar now, and plan to attend the two POA general membership meetings this summer. They are scheduled for Saturday, June 26 and Saturday, August 21 at 8:30 am at the community college

The Local Plan

Under the plan proposed by both local groups referred to in the above message from POA president Roger Titus, the new lake management organization would be called the Deep Creek Lake Management Authority. It would be a seven member group composed of our State Delegate, State Senator, a Garrett County Commissioner, a POA representative, a Chamber of Commerce representative, and two members appointed by the Governor, one of whom must be a Garrett County property owner. The Authority as proposed would have advise and consent authority over permit fees, budgets, personal water craft regulations, lake carrying capacity, and possible use of boat stickers. It would hear appeals from the lake manager's rulings, and would have an advisory role in matters of the rule bands, vegetation, shore line erosion, and water use.

It was reported in *The Republican* in early January that the County Commissioners had asked Delegate Edwards and State Senator Hafer to support the drafted legislation, and Edwards said that he would do so.

It is our understanding that the local groups recommended that there be an advisory group to the Authority. This group would include all of the various special interest groups; such as the bass fishermen, the sailors, motor boaters, PWC owners, water skiers, etc.

If you are a Garrett County resident and voter, and favor the proposals made by Judge Thayer and former POA president Ed King and the commissions they chair, you might make

Delegate Edwards and Senator Hafer aware of your position. Other Maryland residents might wish to contact their representatives or other state officials.

The Rule Bands

If you have followed lake issues, you may have heard of the term “rule bands.” What are the rule bands? They are upper and lower lake levels which must be maintained by GPU in operation of the power plant. They are defined by the Appropriation and Use Permit issued Jan. 1, 1994 by the Water Resources Administration of the Maryland DNR. The water levels specified as feet above sea level by month are as follows:

<i>Month</i>	<i>Upper Level</i>	<i>Lower Level</i>
January	2457.9	2455.0
February	2457.9	2456.0
March	2457.5	2458.0
April	2461.0	2459.6
May	2461.0	2460.0
June	2461.0	2460.0
July	2460.0	2459.0
August	2459.0	2458.0
September	2458.5	2457.0
October	2457.9	2456.0
November	2457.9	2455.0
December	2457.9	2455.0

Exceptions to these requirements are defined as: (1) an emergency in PA, NJ, & MD power grid, (2) a site emergency—possible dam failure, and (3) inability to operate the equipment. The power plant operator is limited to a daily average use of 94,000,000 gallons figured on a yearly basis, and a maximum daily withdrawal of 420,000,000 gallons. To put these large numbers in some perspective, at an elevation of 2459 feet the lake is about 3700 acres. To lower the lake one foot would require the removal of 1,200,000,000 gallons of water. Operating the power plant flat out, this would require 68 hours. During July, August, and Sept., the power plant typically operates 5 hours per day 5 days per week. This is about 0.5 inches per day. Or with average

rainfall and evaporation the lake drops about one foot per month during each of the three summer months. If the weather is warm and there is very little rain, evaporation alone can lower the lake about 8 inches in a month. The above is only a brief summary of a complex document, and we have not attempted to cover all the “what ifs,” exceptions, and special requirements.

The rule bands are important to our enjoyment of Deep Creek Lake. In late December and early January this winter, the Youghiogheny reservoir between Friendsville, MD, and Confluence, PA, was empty. The old Route 40 bridge, became visible for the first time since the reservoir filled in the mid 1940’s.

A large section of the water use permit deals with white water rafting on what has come to be known as the “Upper Yough.” The stretch between Sang Run and Friendsville is mostly class IV and V rapids, and may be the most challenging white water in the Eastern US. The length of the whitewater season is defined as from April 15 to October 15. Basically, releases from Deep Creek Lake during this period are to be three hours in duration, on Fridays, Mondays and one Saturday per month. Release information is to be available to the public on a recorded telephone message, on Thursdays for the coming weekend, and between 7 and 8 am each day for the coming day.

There are also requirements for water releases to maintain the water temperature between the tail race and Sang Run below 25 degrees C during the three summer months. This is to provide habitat for trout. Also a minimum water flow of 40 cubic feet per second should be maintained in the Yough River. With all these requirements, it is no wonder that GPU would like some changes.

There is another important item in the permit, it is not transferable. When title changes from GPU to Sithe Energy, a new permit will be required. This could be an opportunity to change the rule bands. The DNR is no longer responsible for the

permit, it now comes under the Maryland Department of the Environment.

Property Taxes

If your lake property has been reassessed, and you wish to appeal, you need information about properties similar to your own to form a basis for comparison. This information has traditionally been available at the Garrett County Court House. For those of you from outside the area, this can present a problem. Good news. The information is available on the internet at www.dat.state.md.us.

On the subject of property taxes, how much will Garrett County lose in property taxes, if the state owns the lake buffer strip? The total assessed value of all Pennelec property in Garrett County is \$478,140. They own seven different plots, including buffer strip and the power plant. At the present tax rate of \$2.80 per hundred, the tax bill is \$13,388. The current value of all this real property per state tax records is just under 1.2 million.

Too Good to Throw Away

If you have some appliances, furniture, household items, and clothing, that are “too good to throw away,” the Christian Crossing Thrift Shop in Loch Lynn can put them to good use. It is a 100% volunteer non-profit organization which is open to the public to receive and distribute usable good condition items to those in need. The shop is open Tuesdays and Thursdays from 10 am to 1 pm and the first and third Saturdays from 9 am until noon. Their phone number is 301-334-6339. They do not pick up. Tax deductible receipts are available.

Discovery Center

The DNR plans to open its Discovery Center on Memorial Day weekend. The Center is located below the entrance to Deep Creek State Park. There will be four sections, one dealing with lake ecology, another on industrial development, a third on conservation, and a miscellaneous display.

Deep Creek on the Web

The *Deep Creek Times* may be reached at www.deepcreektimes.com. It has lake news, lake area ads, movie schedule, and general information about the lake area.

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