

To: Senator George Edwards
Delegate Wendell Beitzel

From: Executive Committee of the Board of Friends of Deep Creek Lake

RE: Request for Action in the 2013 General Assembly--A Fair Share for Maryland's Deep Creek Lake

Summary: DNR Secretary has stated there are “no funds” for Deep Creek Lake. Is this statement a policy position or assessment of real limitations? We ask our State Delegation to review of sources of funding and programs which could support restoration of Deep Creek Lake. And, in those cases where it is determined Deep Creek Lake is excluded from Maryland financial support and programming, we ask the State Delegation to secure changes in legislation or statute. Maryland owns Deep Creek Lake and which the state if obligated to provide a fair share of state funding and programming.

Need Statement is attached.

Specific Requests

Request #1 Comprehensive Review. We ask the State Delegation to conduct a comprehensive review of all possible State funding sources for Deep Creek Lake programs, restoration and watershed management. A part of this review needs to be an assessment as to whether there are constraints which prevent the use of state funds for Deep Creek Lake. In those instances where there is a barrier, we ask the State Delegation to solicit a finding of eligibility from the Attorney General's Office.

Successful model. Responding to such a request from Friends of Deep Creek Lake in 2010, Delegate Beitzel wrote the Office of the Attorney General regarding lake eligibility for the Chesapeake and Coastal Bay 2010 Trust Fund monies. AG Finding: DCL work could be covered under the 2010 Fund. No action has been taken by the County.

Request #2 Two priorities with goal of submission of legislation by January deadline for consideration in this session, if necessary.

The Waterway Improvement Fund. Secretary Griffin says these funds are for dredging projects in those “channels that are critical to heavy commercial boat traffic”.

Request: Seek determination from the Office of the Attorney General immediately as to whether dredging of lake coves is an eligible Waterway Improvement Fund program.

If DCL dredging is excluded, we request the State Delegation work with us to address this inequity either by amending the Waterway Improvement Fund law, or, direct all future vessel excise taxes paid in Garrett County into the existing DCL Management Fund.

Watershed Improvement Plan funds. WIP, the major approach for Chesapeake Bay restoration, is an excellent initiative with a tremendous amount of state funds and staffing dedicated to this program. WIP requires active participation of local government. Our section of Maryland is not required to develop a WIP.

Request: We ask the State Delegation to obtain a finding from the Office of the Attorney General as to whether DCL is excluded by law or policy.

If excluded by law, take appropriate action to either 1) change program parameters to include DCL or 2) channel the flow of our taxes into a separate Deep Creek Lake Watershed Improvement Plan.

Many other sources of funds and programs. There are other funding sources and programs which need to be reviewed and, if necessary revised, so that Deep Creek Lake is not excluded. We pay taxes and fees. We have been contributing to Chesapeake Bay restoration. It is time to stop this one-way flow of tax monies and bring back to Deep Creek Lake our fair share for this Maryland owned lake. We recognize this review will take time.

Request #3 Secure two state programs for implementation at Deep Creek Lake in 2013. We have found two state programs which would serve as excellent next steps. We request the State Delegation to work with the appropriate Secretaries to implement them at Deep Creek Lake in 2013.

Within DNR, the Watershed Ecosystem Management Planning unit has just completed an excellent comprehensive planning/implementation program on the Mattawoman Creek watershed. This program would move the Deep Creek Lake work beyond the current "study" phase, providing major contribution to transition to real watershed approach of lake management and to involve all relevant state agencies and County government in the process.

Within MDE, the Clean Water compliance unit should undertake a TMDL study of the lake tributaries for sediment impairment. Since tributary streams are not included in the current DNR work, this TMDL study would be a complement and next step for creation of an effective sediment control and excavation approach for the lake.

By the end of the 2013 General Assembly we would hope the State Delegation would have clarified the Waterway Improvement Fund and Watershed Improvement Program as sources for DCL as well as secured implementation of the DNR and MDE programs listed above. We would hope review of funding and programs options had begun.

In addition, by the end of the 2013 session, we propose to join the State Delegation in providing a framed photo or painting of Deep Creek Lake to be hung in the House Environmental Matters Committee Office. Currently there are currently only pictures of the Bay and the Atlantic shore. This is a symbolic act could show our intent to put our section of Maryland on the “map” in Annapolis and to remedy current inequities in funding and programs.

By the end of the 2014 General Assembly Session, we ask the State delegation to have developed a Deep Creek Lake/ Youghiogheny River Program with a comprehensive set of funding sources and programs. Currently the State of Maryland has major commitments of funding and staffing allocated to the “Chesapeake Bay Program” and the “Coastal Bay Program”. Our section of Maryland beyond the eastern continental divide does not exist within state government. We are a part of Maryland and have too long been ignored. We must remedy the state policy which says “no funds” for Deep Creek Lake, a valued natural resource owned by the State of Maryland.

Statement of Need

The State of Maryland purchased Deep Creek Lake in 2001 and with this act undertook obligation for financing and effective management of this critically important resource. According to COMAR management principles are *“the preservation of its ecological balance and furtherance of its highest use as a recreational resource”*. The State of Maryland has not fulfilled its obligations nor met these COMAR principles.

Recently DNR Secretary Griffin reported “there are no [state] funds for DCL”.

The Secretary has reported “the problem of sediment buildup in some of the lake’s coves will be a monumental, perhaps impossible, task” to reclaim. This is true for “5-6 coves”. He stated that Waterway Improvement Funds are “only for those channel as that are crucial to heave commercial boat traffic” which of course we do not have at Deep Creek Lake. With regard to the lake coves where sediment accumulates, Griffin states this fund would “never be allocated for the benefit of just a handful of residents”. The Secretary’s funding option for Deep Creek Lake is that “the cove property owners themselves might be able to finance such a project”.

The Secretary now acknowledges an invasive aquatic grass, Eurasian Watermilfoil, is now found in all sections of the lake. This grass will never be eradicated from the lake; it is now a fact of life at the lake. He said the options for control all have downside and will require annual expenditures.

While the Secretary called for a watershed approach to lake management, this goal was established in 2001 but has yet to be translated into an effective management structure.

Actions undertaken by Friends of Deep Creek Lake.

- Save the Lake petition to the Governor

Over 1300 people have signed the Save the Lake petition. We project to have over 2000 signatures by the time the General Assembly starts in January. Of those who have signed the petition, 35% are Garrett County residents.

- Securing services of a lobbyist

Friends of Deep Creek Lake has recently launched a fundraising campaign to support a lobbyist to help guide our efforts in Annapolis. We are confident we will be able to engage an experienced lobbyist with excellent knowledge of the State budget and processes. This lobbyist will work closely with the staff of the State Delegation and others to help secure the requests outlined by Friends of Deep Creek Lake.