

## First Stakeholder Meeting (2019–Feb–28 at Wisp in McHenry, Maryland)

The first stakeholder meeting was held on February 28, 2019 at Wisp in McHenry, Maryland from 9AM to Noon with a lunch provided afterward. A list of those in attendance is posted separately.

The meeting opened with a presentation by MDE. [A pdf of the power point from this presentation is posted separately](#). This presentation includes a discussion of the stakeholder process, the reasonable use doctrine, and data on historic water withdrawals and lake level changes since the last permit revision in 2011. At this time, it became apparent that there were problems with the phone system that was to be used by some stakeholders to call in and the system was out of action until partway thru the presentation by Brookfield that is discussed below.

The next presentation was by Brookfield Renewable. [Their presentation is posted separately](#), but included a discussion of project history, public safety, working with local communities, the replacement of the current Deep Creek website with a new one at [www.safewaters.com](http://www.safewaters.com), and the factors Brookfield considers when making a decision to generate. This was followed by questions by and answers from the stakeholders, including a discussion of the reasons for the upper rule band, and a break before starting the more general discussions.

After the break, Paul Weiler of the POA made a brief presentation of [the written comments of the Property Owner's Association of Deep Creek Lake \(POA\)](#) which are.

1. Adding language to the permit to add lake recreation as a use of the water.
2. Fully protecting the lower rule band and making it the true minimum lake level.
3. Predictive lake management methodology
4. Increasing the late season Lower Rule Band in wet years
5. The impacts of increased average appropriation proposed.

In the ensuing discussions, it was indicated by some stakeholders that 15% of docks lose access to water when the lake drops below 2458, though it was questioned whether the three-foot depth used as a criterion was appropriate. Brookfield indicated that they are already using predictive management. The POA cited COMAR 08.08.01 as the basis of including the recreational use of the lake as a permit purpose and in support of the other issues they raised. MDE committed to discussing this further with DNR. It was pointed out that an impact to the fisheries of stopping the Temperature Enhancement Releases (TERs) when water levels drop below the lower rule band would persist for decades whereas a boat owner impacted by low lake levels would regain use of the lake next year.

The first four of the five items remain open; the fifth item (impacts of increased average appropriation) seems to have been resolved.

Next, Roger Zbel led the discussion of the [emailed comments of the White Water Outfitters](#), which were:

1. It was suggested that releases for Whitewater Recreation (WWR) in April switched from Friday to Saturday. This issue remains open.
2. It was suggested that some of the long discretionary releases that occur during the workweek be moved to Sunday or Saturday to obtain an extra WWR. This issue remains open.
3. It was noted by the outfitters that most of discretionary releases are variable flow. Whitewater Outfitters want 2 hours of full gate when the Hoyes run gage is less than 400 cfs. Brookfield explained that these variable release occur when the plant is controlled by PJM as regulation to meet grid needs. They entered the regulation market because pure generation doesn't pay enough. They are having to market other services, such as regulation. A suggestion to start such regulatory releases with two hours of full gate release remains open.
4. There was a discussion of Temperature protocol releases. It was proposed to make all TERs two hours to make them usable for Whitewater Recreation. This issue remains open.

Finally, the stakeholders were polled for additional issues to be discussed. These were:

1. Lake elevation vs lake depth and sedimentation, especially in the coves.
2. Water quality as impacted by lake elevation. Low depth gives rise to sediment resuspension which degrades water quality. Low depth also encourages submerged aquatic vegetation, which may impair recreational use.
3. As a control measure for excessive vegetation in the lake, it was suggested that the lake be lowered to the lower rule band December thru April. There needs to be an investigation of unintended consequences of dropping the water level, including whether this will make mercury more biologically available.
4. Extending TERs into September, or later, if needed.
5. Other changes to the TER protocol, including running it at higher flows, and using the gage at Hoyes Run, rather than Oakland, to determine if the TER protocol is to be run, were proposed.
6. Modify the TER protocol to not delay releases until 12:30 PM when they are determined to be needed at 11:00 AM. This issue seems to have been resolved in favor of not delaying the release.

In conclusion Stakeholders were requested to vote on the issues they want to discuss no later than two weeks after the meeting. The next meeting will start with a presentation by Brookfield on the Water Budget model. The next meeting is scheduled for March 28 at 9:00 AM at Wisp in McHenry, Maryland.