



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

January 15, 2019

Brookfield Power Piney & Deep Creek, LLC
Attention: Ms. Kathleen E. Lester
126 Lamberton Lane
Hawley PA 18428

RE: Water Appropriation and Use Permit Application No. GA1992S009/09
For Deep Creek Hydroelectric Station
Assigned Project Manager: John H. Smith, P.E.

Dear Ms. Lester:

Your application requesting a Water Appropriation and Use Permit has been received by the Maryland Department of Environment's (MDE's) Water Supply Program (WSP). A file number and project manager have been assigned as indicated above and should be used in any correspondence related to this application. Please note, the submittal of an application is not an authorization to increase withdrawal of water for the proposed use.

Additional information and seeking input from stakeholders impacted by the release of water from Deep Creek Lake and received by the Youghiogheny River is required to complete your application. In addition the application process requires public notification and opportunity for a public informational hearing, since the requested annual average increase is greater than 10,000 gallons per day (gpd). To complete your application please comply with the following instructions:

Convening of Stakeholder Group: The Applicant shall schedule and participate in three meetings with representatives of various stakeholder groups identified by the Administration. A list of stakeholders is enclosed with this letter. The Applicant should anticipate that each meeting may last up to three hours. The purpose of these meetings is to gather information from stakeholders regarding the proposed renewal of the permit conditions, discuss and address stakeholder concerns and find consensus based solutions to the extent possible. The meetings will be moderated by the WSP. These meetings shall be held in Maryland, with preference for holding the meetings in Western Maryland. A teleconference line shall also be established for stakeholders to participate via telephone. The Applicant shall prepare an agenda for each meeting in cooperation with the WSP. Meetings shall be scheduled for February, March and April, with a contingency for May, should weather make travel unsafe for one of the meeting dates.

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Notification of Contiguous Property Owners/Elected Officials: All property owners contiguous to the parcel on which the intake is located must be informed by the applicant of the proposed increased in the authorized withdrawal. To assist you in this process we have enclosed portions of Garrett County tax map 57, parcel 176 indicating the properties (highlighted yellow) on which the proposed appropriation is to be made and where the water will be used. Contiguous property owners to be notified of this project are the owners of all properties touched by the red line (bordering the property highlighted in yellow) on the enclosed maps. We have also enclosed a suggested form letter (your signature will need to be added) for notifying contiguous property owners and elected officials. In addition the presiding officer of the Board of Commissioners of Garrett County and the Mayor of the Town of Friendsville are to be notified. For contiguous property owned by the Maryland Department of Natural Resources (DNR), the notification letter is to be sent to: DNR, Tony Redman, AICP, Tawes State Office Building C-3, 580 Taylor Avenue, Annapolis, MD 21401.

Certification of Notification Form: Once all contiguous property owners and elected officials are properly notified, the Applicant is to inform the WSP that they have successfully completed the notification requirements. We have enclosed a copy of a Certification of Notification sample letter for your convenience. It is the Applicant's responsibility to provide the name and complete mailing address of all persons notified, on the Certification of Notification Form. If there is a discrepancy between properties shown on the enclosed map and those where the water source is located and on which the water will be used, then only those owners of property contiguous to the property associated with the proposed appropriation need to be notified. These persons are to be notified by delivery of a signed and dated notification letter sent by certified mail or delivered in-person.

Public Notice Billing Form: Once the application is determined to be complete, the WSP will place a notice in a widely distributed publication within Garrett County to provide the opportunity for comment and request a public informational hearing. Please sign the enclosed Public Notice Billing Form, acknowledging that you will be billed by MDE for the cost of publishing the notice on your behalf in the newspaper.

Analysis: The Applicant shall tabulate and graph data comparing annual reported water use for the Deep Creek Hydroelectric Station with annual rainfall for the Deep Creek Lake area. Such data and any additional data that the Applicant wishes to provide shall be provided to the WSP and used to explain the need for increasing the annual average appropriation for the Deep Creek Hydroelectric Station,. The Applicant shall explain why allowing an increased allocation would not cause unreasonable impacts on Maryland's water resources or unreasonable impacts to other users of the resource.

The Applicant shall also review the Deep Creek Lake Water Budget Model provided by the Deep Creek Watershed Foundation. The Applicant shall provide an analysis of the model's usefulness for managing lake levels and planning for hydropower releases under both wet and dry years. The Applicant shall discuss its analysis of the model with Stakeholders at one of the Stakeholder meetings.

If the Applicant has an interest in modifying any of the existing permit conditions, the Applicant shall present information and analysis in support of their request to the WSP and the Stakeholders, including why such a change would not jeopardize the State's natural resources, why the proposal provides the

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greatest feasible utilization of the water, how public safety is preserved, why the change promotes the public welfare and why such changes would not result in unreasonable impact to the State's water resources or other users of the resource.

A brief report addressing these issues shall be provided to the WSP.

The Applicant shall complete and submit all forms, statements, reports, evaluations, and any other information required to be submitted as part of this package to the Administration at the following address:

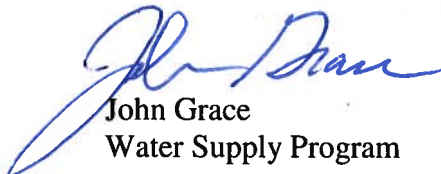
Maryland Department of the Environment
Water Supply Program
Attention: John H. Smith, P.E
1800 Washington Boulevard
Baltimore, Maryland 21230

The WSP shall review all information required to be submitted to complete your permit application. After review, if additional information is required to complete the application, you will be contacted.

The public notice published by MDE, and notice sent to all interested persons (contiguous property owners and stakeholders and anyone else who has requested to be on the interested persons list) by MDE, will provide time for the public to submit written comments and/or request a public informational hearing. If a public hearing is requested, one will be held. The public comment period will extend at least as far as the date of the public informational hearing. As the Applicant, you must be present at the hearing to answer questions concerning the proposed withdrawal. Advocacy and defense of the proposed appropriation at the hearing shall be the sole responsibility of the Applicant.

If you should have any questions on this matter, please contact Mr. John Smith or me at 410-537-3590.

Sincerely,


John Grace
Water Supply Program

Enclosures:

List of stakeholders
County Tax Map
Sample Notification Letter
Certification of Notification Form
Public Notice Billing Form

cc: Shawn Seaman, PPRP, DNR

2019 Deep Creek Stakeholder List

Bob Nichols, General Manager, Bill's Marine Service
bob@billsmarineservice.com
301-387-5536
20721 Garret Hwy.
Oakland, MD 21550

Roger Zbel, Representing the Commercial Whitewater Outfitters
info@precisionrafting.com
301-746-5290
715 Morris Ave.
Friendsville, MD 21531

Kevin Colburn, National Stewardship Director, American Whitewater
kevin@americanwhitewater.org
1-828-712-4825
PO Box 1540
Cullowhee, NC 28723

Ken Pavol, President, Western Maryland Professional Fishing Guides Association
kenpavol@pennswoods.net
240-321-1495
86 Big Frog Ln.
Oakland, MD 21550

Morgan France, Advisor, Deep Creek Watershed Foundation
silverdaggr@gmail.com
301-616-5097
729 Chadderton School Rd.
Oakland, MD 21550

Bob Browning, Chamber Representative, Deep Creek Lake Policy and Review Board
cptbob6997@gmail.com
(301) 616-6997
PO Box 172
McHenry, MD 21541

Barbara Beeler, Director, Friends of Deep Creek Lake
barbara@friendsofdcl.org
301-873-1519
779 Chadderton School Rd.
Oakland, MD 21550

Winter Address for Barbara Beeler:
7 Spa Creek Landing, Unit B1
Annapolis, MD 21403

John Quilty, Board Member, Property Owner's Association of Deep Creek Lake, Inc.
jqilty@mitre.org
703-350-5664
53 Griffin Dr.
Swanton, MD, 21561

2019 Deep Creek Stakeholder List

Jess Whitmore, Council Member, Town of Friendsville
jwit@me.com
301-501-6541
PO Box 9
Friendsville, MD 21531

Kevin Null, Garrett County Administrator
knull@garrettcountry.org
301-334-8970
203 South Fourth St., Room 207
Oakland, MD 21550

Nicole Christian, President/CEO, Garrett County Chamber of Commerce
nicole@garrettchamber.com
301-387-8745
15 Visitors Center Dr.
McHenry, MD 21541

Eric Null, Lake Manager, Maryland Department of Natural Resources
eric.null@maryland.gov
301-387-4111
898 State Park Rd.
Swanton, MD 21561

Shawn Seaman, Power Plant Research Program , Maryland Department of Natural Resources
shawn.seaman@maryland.gov
410-260-8662
Tawes State Office Building B3, 580 Taylor Ave.
Annapolis, MD 21401

Bruce Michael, Director, Resource Assessment Service, Maryland Department of Natural Resources
bruce.michael@maryland.gov
410-260-8627
Tawes State Office Building C-2, 580 Taylor Ave.
Annapolis, MD 21401

Tony Prochaska, Freshwater Fisheries Program Manager, Maryland Department of Natural Resources
tony.prochaska@maryland.gov
410-260-8287
Tawes State Office Building B2, 580 Taylor Ave.
Annapolis, MD 21401

John Mullican, Freshwater Fisheries Regional Operations Manager, Maryland Department of Natural Resources
john.mullican@maryland.gov
301-791-4736 x102
10932 Putnam Rd.
Thurmont, MD 21788

2019 Deep Creek Stakeholder List

Alan Klotz
Manager, Western Region I, Department of Natural Resources
alan.klotz@maryland.gov
301-334-8218
301 Braddock Rd.
Frostburg, MD 21532

Jim Gracie, Board Member, Maryland Trout Unlimited
jgracie@brightwaterinc.com
410-303-3829
296 Edgemere Dr.
Annapolis, MD 21403

*Art Senkel, Vice-Chair for Resources, Mid-Atlantic Council of Trout Unlimited
iasenkel@gmail.com
443-223-8758
896 Arundel Dr.
Arnold, MD 21012

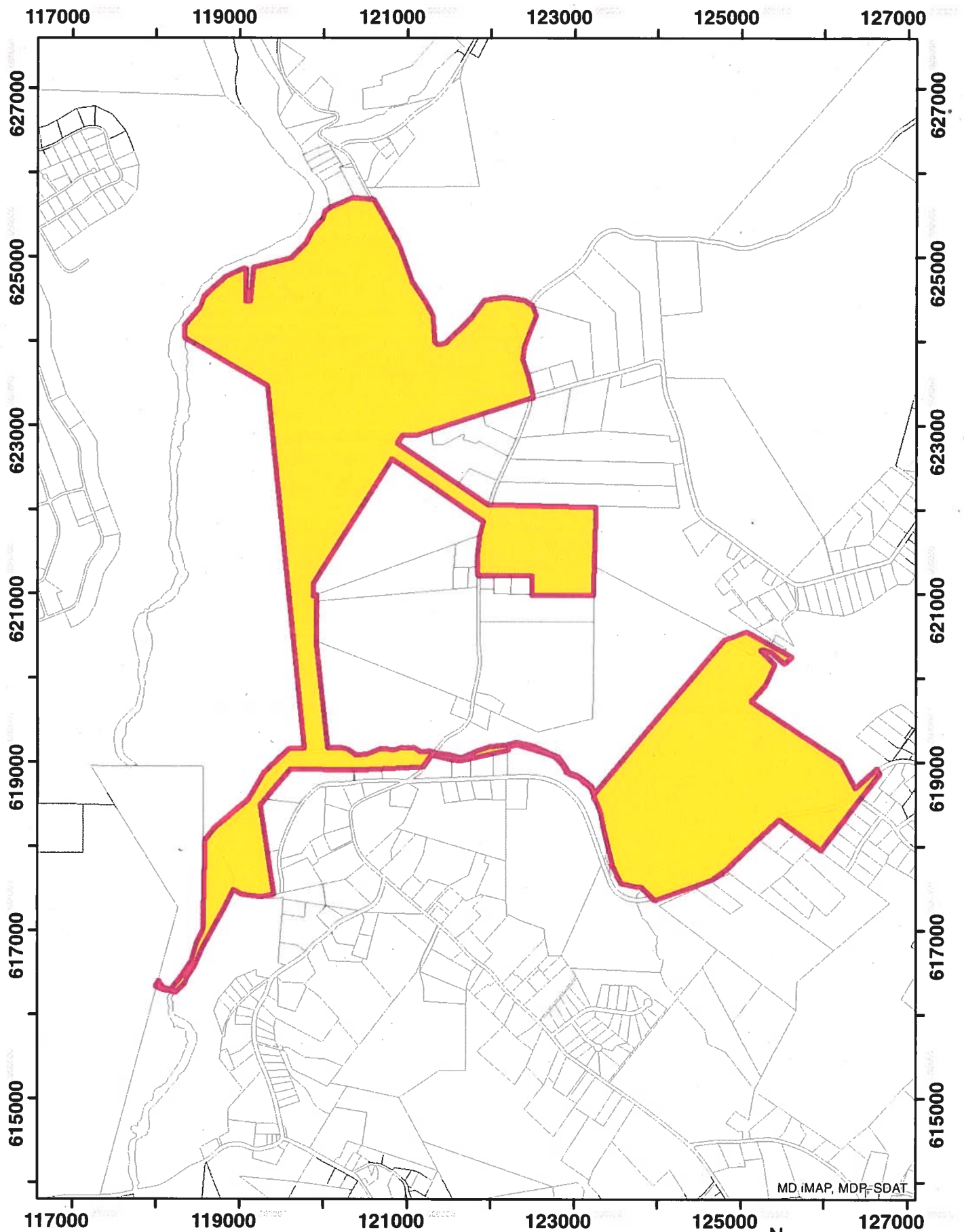
*Nick Weber, Secretary, Mid-Atlantic Council of Trout Unlimited
heritagero@aol.com
301-919-2026
211 Haviland Mill Rd.
Brookeville, MD 20833

Neil Jacobs, Youghiogheny River Chapter of Trout Unlimited
enjacobson@gmail.com
301-4712575
8 River View Ter.
Oakland, MD 21550

James R. "Smokey" Stanton, Chairman, Youghiogheny River Watershed Association
jamesrstanton@verizon.net
410-428-2198
PO Box 719
Oakland, MD 21550

*Mid Atlantic Trout Unlimited to select one of these two representatives for meetings.

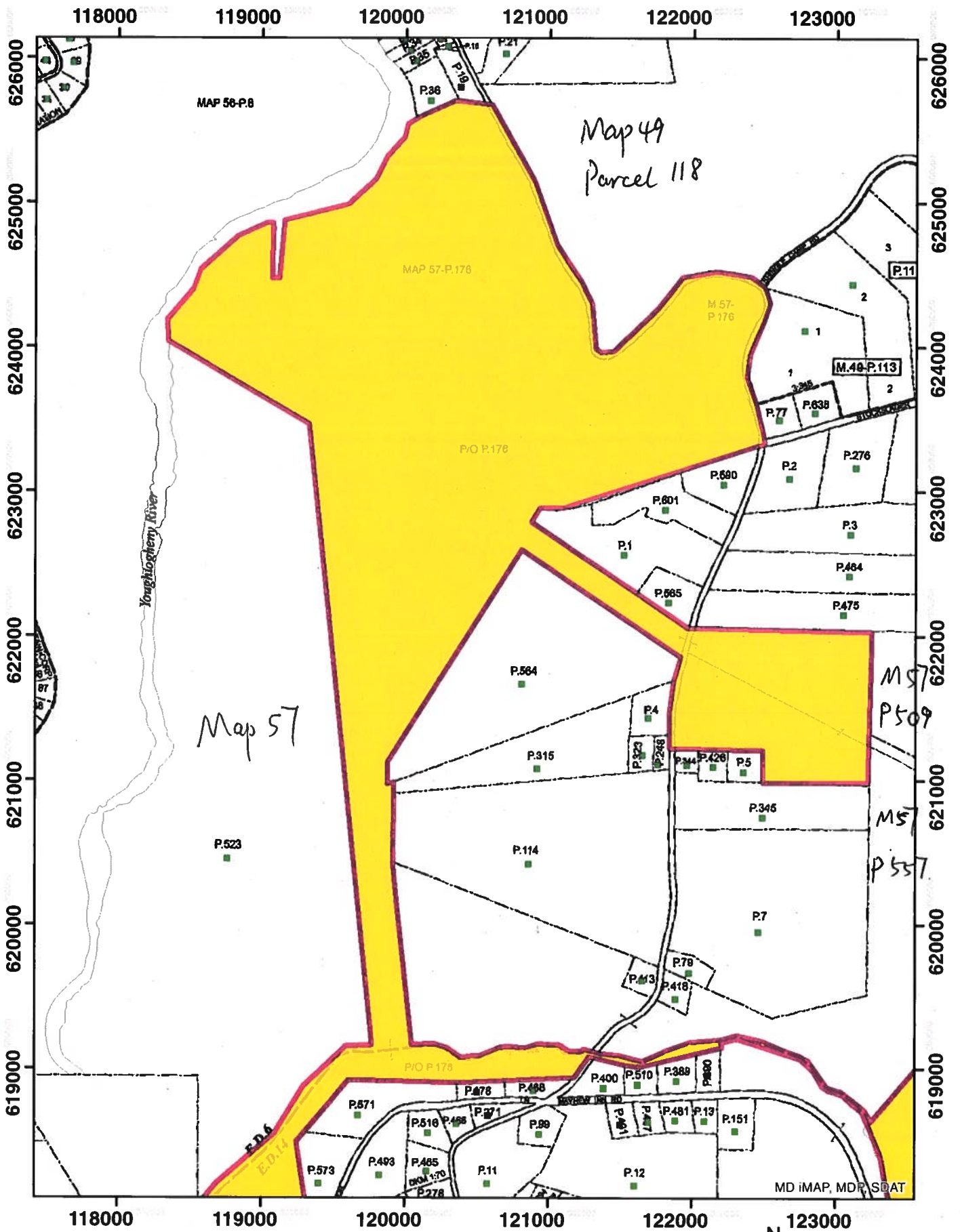
Please include Don Haynes, Chair, Mid-Atlantic Council Trout Unlimited at dhaynes8320@gmail.com
in correspondence sent to stakeholders.

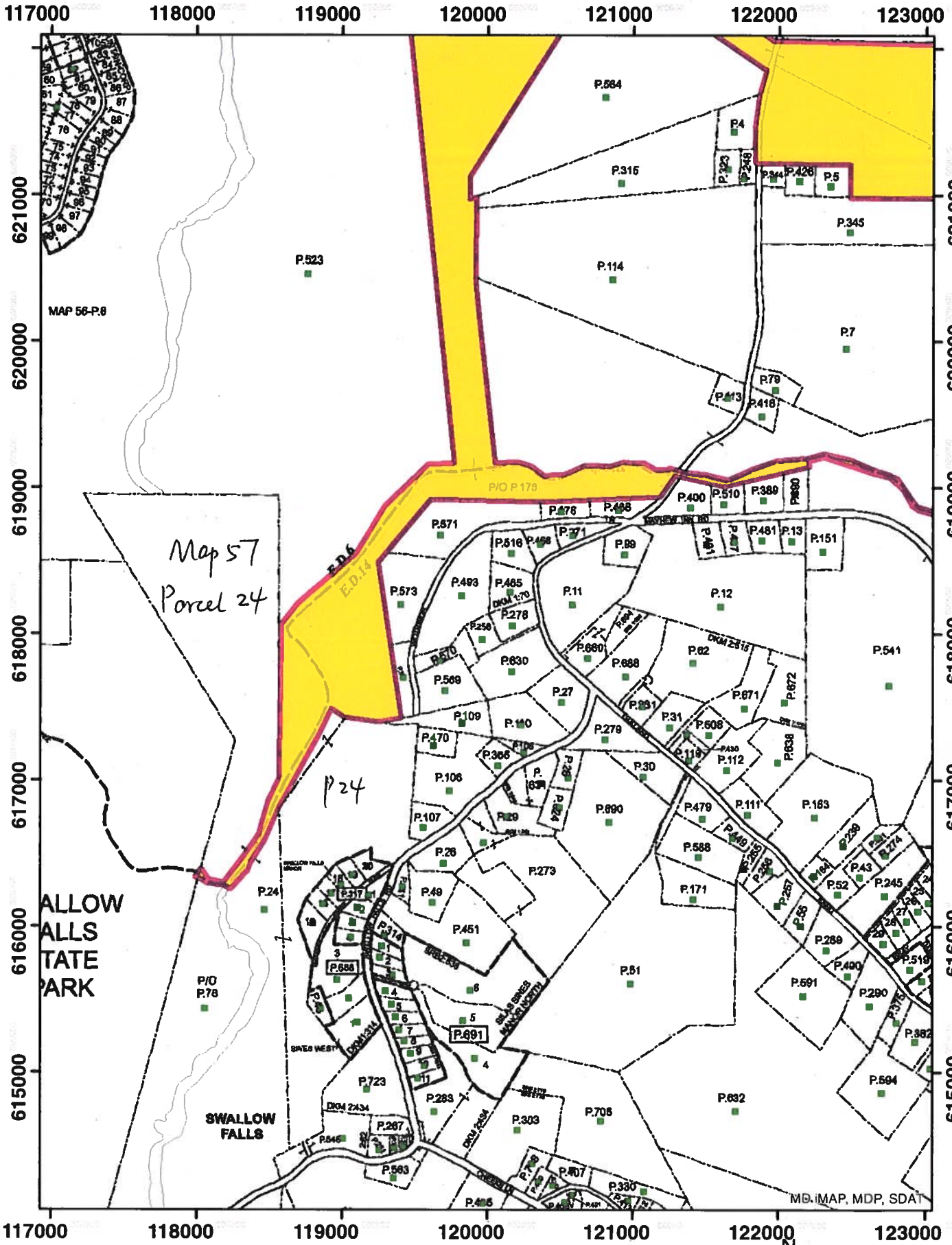


GA1992S009 Map 1 of 4

0 300 600 1200 1800 2400 Feet







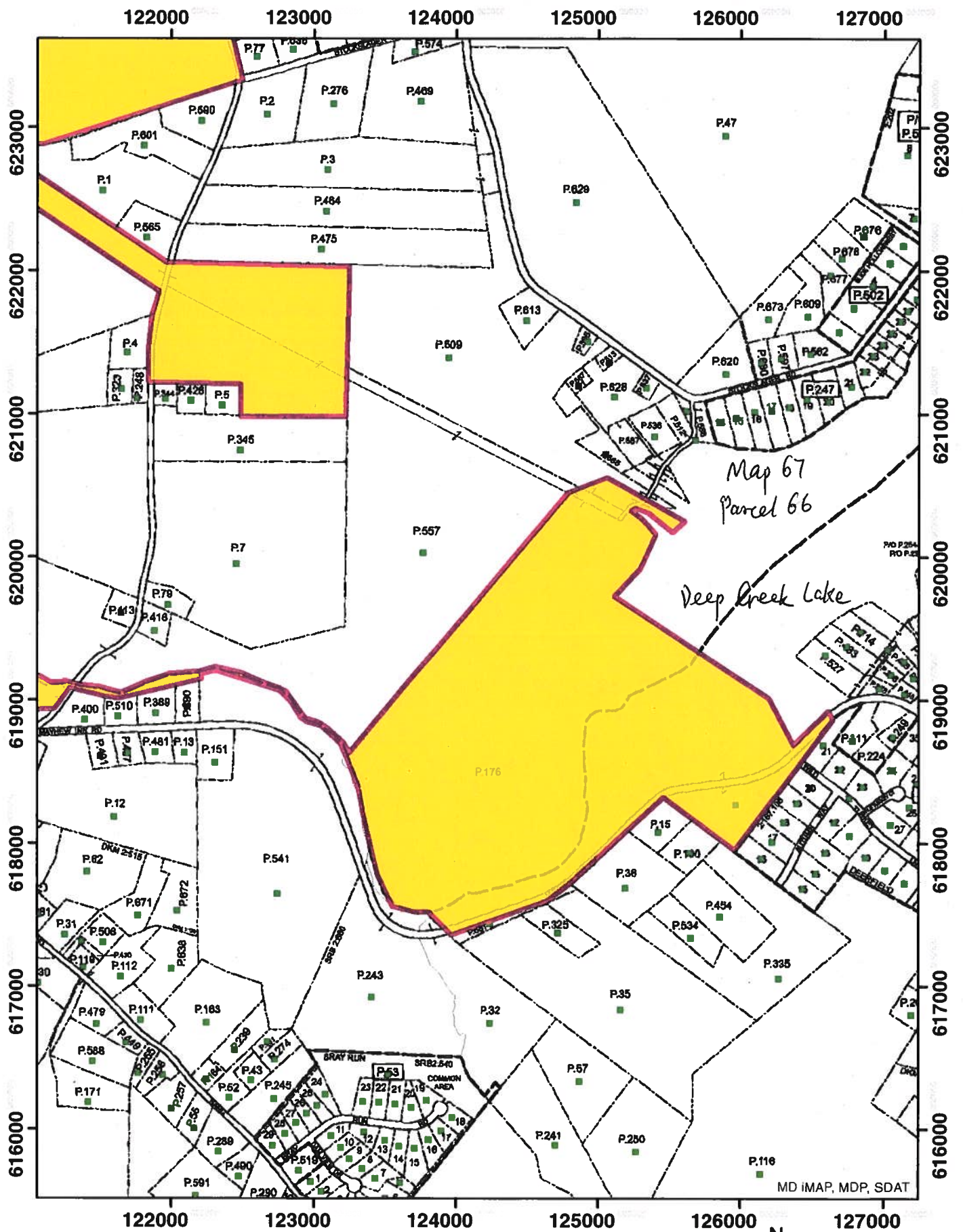
GA1992S009 Map 3 of 4



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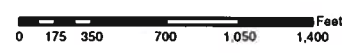


MB MAP, MDP, SDAT



Map 67
Parcel 66

Deep Creek Lake



MD IMAP, MDP, SDAT

SAMPLE NOTIFICATION LETTER

Dear Property Owner or Local Official:

Brookfield Power Piney & Deep Creek, LLC has applied to renew a Permit to Appropriate and Use Waters of the State, which has been assigned permit application number GA1992S009/09. The applicant seeks to renew their existing appropriation permit for the operation of the Deep Creek Station hydroelectric generation facility. This application seeks to increase an existing allocation from an annual average of 94,000,000 gallons per day (gpd) to 128,000,000 gpd. There is no proposed change to the maximum daily withdrawal of 420,000,000 gallons. The reason for the requested average annual increase is to account for higher flow volumes into Deep Creek Lake during years of high precipitation. This project is located near Deep Creek Lake and the withdrawal point is north of the Deep Creek Lake Dam, about three miles west of Thayerville, Garrett County, Maryland.

Since you are a contiguous property owner or an appropriate local official, you are being notified of this application, as required by the Maryland Annotated Code Environment Article §5-506. Your name has also been placed on the "List of Interested Persons" for the above referenced project. At a later date, you will be notified when the proposed project is being published, any projected impacts, and be offered an opportunity to comment and request a public informational hearing on the matter before a decision is rendered by the State to issue or deny the permit.

The Maryland Department of the Environment, Water Supply Program (WSP) has created a file for this proposed project. If you wish to review the application file or make comments on the application at this time, you may contact the WSP by mail at Water Supply Program, Source Protection and Appropriation Division, 1800 Washington Boulevard, Baltimore, Maryland 21230 or by phone at 410-537-3590. To learn more about this application, the history of the project and previous permits you may visit the following website: https://mde.maryland.gov/programs/Water/water_supply/Pages/DeepCreekLake.aspx If you have any questions concerning the application, please contact me by phone at 570-226-1371 or by mail at the address listed below.

Sincerely,

Brookfield Power Piney & Deep Creek, LLC
126 Lamberton Lane
Hawley PA 18428

Please complete, sign and date the form below. On the attached sheet provide the name(s) and complete mailing address for all contiguous property owners and elected officials notified. Additional sheets are to be attached, if needed. All are to be returned to: Maryland Department of the Environment, Water Supply Program, Attention: John H. Smith, P.E., 1800 Washington Boulevard, Baltimore, Maryland 21230.

Retain certified mail return receipts in your records.

CERTIFICATION OF NOTIFICATION

I hereby certify that I have properly notified the owners of the contiguous properties, either in-person or by certified mail, and by certified mail to the presiding officer of the Board of Commissioners of Garrett County and the Mayor of the Town of Friendsville. This application seeks to renew an existing appropriation permit for the operation of the Deep Creek Station hydroelectric generation facility. The application seeks to increase an existing allocation from an annual average of 94,000,000 gallons per day (gpd) to 128,000,000 gpd. There is no proposed change to the maximum daily withdrawal of 420,000,000 gallons. The reason for the requested increase is to account for higher flow volumes into Deep Creek Lake during years of high precipitation. This project is located near Deep Creek Lake and the withdrawal point is north of the Deep Creek Lake Dam, about three miles west of Thayerville, Garrett County, Maryland.

The name(s) and complete mailing address of all parties notified are shown on the attached sheet(s). If delivery was not affected to certain parties, the reason(s) for non-delivery has been stated.

Application Number: GA1992S009/09

Brookfield Power Piney & Deep Creek, LLC
126 Lamberton Lane
Hawley PA 18428

Applicant/Agent Signature _____

Applicant/Agent Name (please print) _____

Date _____

Should all information required on this form and the attached sheet not be completed or should all contiguous property owners and elected officials not be notified, processing of your application will be delayed.

Please sign and date the form below and return to: Maryland Department of the Environment, Water Supply Program, Attention: John H. Smith, P.E., 1800 Washington Boulevard, Baltimore, Maryland 21230.

PUBLIC NOTICE BILLING APPROVAL FORM

I agree to pay all expenses associated with the publishing of a public notice (legal ad) for Water Appropriation and Use Permit Application No. GA1992S009/09 for Brookfield Power Piney & Deep Creek, LLC for the use of water for the operation of the Deep Creek Station hydroelectric generation facility. The project is located near Deep Creek Lake and the withdrawal point is north of the Deep Creek Lake Dam, about three miles west of Thayerville, Garrett County, Maryland. I understand that I will be billed by the Maryland Department of the Environment's Water and Science Administration, either at the time the notice is published or after the notice is published.

Application Number: **GA1992S009/09**

Applicant/Agent Signature _____

Applicant/Agent Name (Please Print) _____

Billing Address: _____

Applicant Phone Number _____

All information requested on this form is required to be completed or it will delay processing your application.