



**Maryland**  
Department of  
the Environment

# Stakeholder Meeting

GA1992S009/09

## Brookfield Renewable Deep Creek Hydro

April 25, 2019

McHenry, MD



## Projected timeline – Application Process

---

- Additional comments by May 10<sup>th</sup>
- Draft preliminary Impact Analysis by June 21
- Advertisement on local newspaper by August 31
- If requested, a public informational hearing before September 30.
- Permit decision by December 31.



# Water Use

---

- POA requested “Add Language in the permit to specifically acknowledge lake recreational boating as a “use” or objective to be supported. This seems only reasonable and is consistent with COMAR prioritization of recreational boating on state-owned lakes.”
- Two avenues for evaluating the request
  - Regulatory framework
  - Permit History and support document



# Selected Deep Creek DNR Regulations

---

- COMAR 08.08.01.01 Begins with “ The primary purpose of regulations for Deep Creek Lake are the protection of the lake as a natural resource, the preservation of its ecological balance, and furtherance of its highest use as a recreational resource, recognizing that abuse of the lake by its overuse could jeopardize its well-being. A further purpose underlying...these regulations is a realization that there is a relationship between the quality of recreational experience and the level of recreational use. ”
- COMAR 08.08.05.01(A)(2): Concerning Permits “a person acting under a permit may not engage in any activity which interferes with the operation of the lake as a hydroelectric project or with authorized public use of the buffer strip”;
- COMAR 08.08.05.01(D)(1)(a)(iii) & (iv): Concerning decisions on Permits “ ...the lake manager shall consider: (iii) Fluctuation of the water line; (iv) Depth of water at the proposed site”;
- COMAR 08.08.05.04(A)(1): Concerning uses not permitted in a permit “a buffer strip permittee may not install a facility on, or use the buffer strip to interfere with operations of the Deep Creek hydroelectric project . . . ”
- COMAR 08.08.05.08(D)(3): Concerning nonconforming use permits “The lake manager may not issue a nonconforming use permit...which represents a danger to the operation of the Deep Creek Hydroelectric Project;”



# Water Use

---

- Our understanding is that this regulation created a permitting scheme whereby DNR balances the quantity and quality of the recreational use of DCL.
- This regulation acknowledges the importance of the hydroelectric project.
- Lake boating is an important recreational use and requires regulation.
- Regulations acknowledge lake level fluctuations.
- Not in conflict with MDE Water Appropriation regulations



# Water Use - Permit History

---

- The 1994 Support Document clearly identifies recreational boating as a project objective to be balanced with the other objectives and the need for reliable power generation
- The rule band reflects the importance of recreational boating by starting the season at full elevation and limiting the rate of drawdown
- The uses in Permit Condition 2 have always only listed uses associated with the withdrawal of the water from the lake, but does not diminish the importance of managing lake levels in accordance with the rule band



# Consensus Discussion

---

- Change April WWR from Friday to Sat.
- Change release time for TERs predicated at 1100 to 1130 instead of 1230
- Conduct TER from May 15 to Sep 15
- Increase trigger flow in Temp Protocol from 150 cfs to 200 cfs
- Keep 21 days drawdown requirement if above URB
- Increase of annual average appropriation
- Keep rule bands elevations
- Recommended language for managing lake levels