

Property Owners' Association of Deep Creek Lake, Inc.
PO Box 816 McHenry, MD 21541



May 8th, 2019

Dear John,

Pursuant to our discussions regarding possible changes to the MDE issued Water Appropriations Permit for Deep Creek Lake, I submit, for your kind consideration, the following:

1. Supporting the POA 19 February recommendation to "Add language to specifically acknowledge lake recreational boating as a 'use' or objective to be supported."
 - a. Modify Section 3 of the Permit to read as follows:

"Source – The water shall be taken from Deep Creek Lake. Management of the water in support of the specified uses will both provide a sufficient storage buffer to assure safety in a heavy rain event and target minimum lake levels which are adequate to support lake recreational boating (as prioritized in COMAR)."
 - b. Modify Section 14 of the Permit to read as follows:

"Rule band and operation protocols – The permittee shall operate...and except in the event of unusual or emergency conditions as defined below. The Upper and Lower Rule Bands are defined to accomplish, respectively, the safety and recreational boating objectives identified in Section 3. They are the highest and lowest desirable-----given in feet above mean sea level."
2. Supporting the POA 19 February recommendation to "Include a permit requirement for management of lake waters using tools with predictive capability--along with associated operating processes and protocols...to...."
 - a. Add a new section 14 between current sections 13 and 14

"Basic operating plan and methods--- The permittee shall develop an Operations Management Plan to be approved by the Administration. The Plan shall cover, directly, or by reference, to other sections of this permit, protocols and methods for supporting the uses specified in Section 2 of the Permit and the lake storage/level objectives specified in Section 3 above. The Plan shall include the

application of predictive tools/capabilities both to anticipate potential water level issues (e.g., dam spillover, breach of the LRB) and to project opportunities for previously-unplanned uses (e.g., additional power generation releases, unscheduled WW releases). The predictive capability will leverage the water level data collected daily and the ability to forecast at least selected, short-term outflow water volumes.”

Observation: This paragraph is intended to be analogous, in basic structure and content, to the current Section 16 addressing “Temperature Enhancement”, noting that the particulars of protocol design and execution are not described.

Impact on other stakeholders: The requirements outlined in this paragraph are consistent with current operating practice as we understand them, based on Brookfield’s 28 March presentation. There are no apparent impacts on other stakeholders.

3. Responding to the 28 March interaction of reducing the 1' below-the-lower-rule-band “allowance” for executing selected whitewater releases. 6” was mentioned as an alternative. The **change from 1' to 6”** would apply to:
 - a. Section 19. A). II). 1st paragraph—Team Friendsville Upper Yough race
 - b. Section 19 B) III) & IV)—Saturday releases or Friday releases in lieu of Saturday releases.

Observation: The motivation here is to limit the adverse impact on lake recreational boating and dock access.

Impact on other stakeholders: As we understand the historical lake level data beginning in 1994, an LRB breach of 6” or more has never occurred. Therefore, an adverse impact on the “high priority” whitewater releases would be dependent on experiencing a drier year than any in the last 25. Thus, there are no apparent impacts on other stakeholders.

Very Respectfully,

A handwritten signature in blue ink that reads "P.W. Weiler". The "P.W." is on top, followed by "Weiler" on the line below.

Paul Weiler
President