

**From:** [paul\\_weiler@verizon.net](mailto:paul_weiler@verizon.net) <[paul\\_weiler@verizon.net](mailto:paul_weiler@verizon.net)>

**Sent:** Thursday, May 9, 2019 3:11 PM

**To:** 'John Grace' <[john.grace@maryland.gov](mailto:john.grace@maryland.gov)>

**Cc:** 'Quilty, John S.' <[jquilty@mitre.org](mailto:jquilty@mitre.org)>

**Subject:** Water Appropriation Permit for DCL

John,

My primary purpose here, as we discussed, is to forward proposals for the Deep Creek Lake Water Appropriation Permit (permit) language for your consideration. Please see the attached letter for specific suggestions. We greatly appreciate the opportunity to provide input as the permit renewal process proceeds. As is hopefully evident in the attached letter, we've done our best to make the language of the proposals consistent with MDE's structure and regulatory approach. We look forward to discussing our proposals and responding to comments.

Turning to the planned discussion of our "protect the LRB" protocol candidates, I'd like to provide some follow-up thoughts. We've been doing a bit more thinking about the important topic of the impact on other stakeholders. As you may remember, our 24 April letter offered considerations ranging from the low "statistical" incidence of "dry" years to the limited duration of any "contingency operations" period (during which either a "conservation TER" would be used and/or selected weekday WW releases would be suspended). We concluded that the projected "impacts seem quite modest and equitable". We feel comfortable with this bottom line, but---reflecting upon the "dual use" character of the current TER's (WW activity support)—we can be more specific:

- The "conservation TER" option supports both the 25 degree C objective and the current scheduled WW releases by definition. The only downside from a WW viewpoint is that there would be the temporary loss of unscheduled WW opportunities as the

byproduct of current “dual use” TER’s. However, the current permit requirements would be met.

- The “suspend weekday WW releases” option could impact 2 weekday releases/week for the period of contingency operations, but it seems highly likely that the number of “dual use” TER’s would more than compensate under “dry” conditions where the LRB is threatened. (An average of 12 TER’s/ mo. was identified in Brookfield’s presentation, and we talked about the 23 in July 2012 as a dry year/hot month example.) So, the equivalent of the current permit requirements would be met as a minimum.
- And, again, any impacts are limited by the low incidence and likely short duration of what we’ve called contingency operations.

We of course understand the positives of “dual use” TER’s and that there can be negative reactions to any change despite the “logic” presented above.

We look forward to working with you and others on these matters,

Best Regards,

*Paul Weiler*

Paul Weiler

535 Lake Shore Drive

Oakland, MD 21550

Phone: (301) 387-6391

Mobile: (301) 385-9689

Email: [paul\\_weiler@verizon.net](mailto:paul_weiler@verizon.net)