

## Second Stakeholder Meeting (2019–Mar–28 at Wisp in McHenry, Maryland)

The second stakeholder meeting was held from 9:00 AM to Noon on March 28, 2019 at Wisp in McHenry, Maryland Noon with a lunch provided afterward. [A list of those in attendance is posted separately.](#)

The meeting opened with introductions. This was followed by a presentation by David Myerburg on the Water Budget Model developed by Century Engineering for the Deep Creek Watershed Foundation. The model was developed in fulfillment of Goal 12 of the *Deep Creek Watershed Management Plan*<sup>1</sup>: "To study all Deep Creek Lake water releases and water inputs to determine if there is a different scientific method to maintain lake levels for lake recreation, whitewater boating and temperature enhancement that does not adversely affect any of these stakeholders."<sup>2</sup>

While the model itself, and its performance and calibration, was the main focus of the presentation, in the course of the presentation and the discussion that followed, we learned that Century Engineering did the dock loss evaluation and that the three-foot depth criteria was based on a survey of actual boats sold and used on the lake. The dock loss study also confirmed that, as expected, the dock loss was concentrated in the southern portion of the lake.

The point was made during the discussion that "Lake Recreation" in goal twelve doesn't just mean boating and also includes water contact recreation and fishing. Questions were raised concerning water quality and the impact of low lake levels on water quality.

At 9:43, John McVaigh (Brookfield Director of Operations) made a presentation that described in detail the process of data evaluation and modeling that Brookfield uses to determine when releases, other than those specified in the permit, are necessary or desirable. [This presentation is dense with facts and text and can be downloaded here](#), but need to assure public safety is paramount in their evaluations.

During the presentation and the question and answer afterward, it was pointed out that the rule band is a rule band, not a rule line, and that, since Brookfield takes the rule band seriously, they strives to be at the top of the upper rule band at the end of May in order to avoid or minimize violations of the lower rule band later in the recreational season.

The upper rule band was also discussed. Stakeholders questioned the need to bring the lake level down to the Upper Rule Band (URB) within 21 days when the URB is declining in August and September. Brookfield indicated that, for reasons of dam safety and because of hurricane season, they preferred to be no higher than the upper rule band in those months, and gave an example

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<sup>1</sup> *Deep Creek Watershed Management Plan*, October 1, 2014, Adopted with Amendments March 7, 2016, Prepared by the Deep Creek Watershed Plan Steering Committee for the Garrett County Board of County Commissioners and Maryland Department of Natural Resources, downloaded 2019-04-16 from:

<https://www.garrettcountry.org/resources/planning-land-development/pdf/Adopted%20DC%20Watershed%20Mgt%20Plan.pdf>

<sup>2</sup> Ibid. page 34

from 2018 when two successive storms in September would have put them at too high a level in hurricane season if they had not drawn down to the Upper Rule Band fairly quickly.

There was a break from 10:19 thru 10:34, which was followed [by a presentation by Steve Schreiner of Versar Inc representing the Maryland Department of Natural Resources \(DNR\), which is available here](#). Steve has been involved with this project for 30 years, and his presentation covered the existing Temperature Enhancement Protocol (TEP), proposed changes to the protocol and the impact of such changes on lake level.

The three changes evaluated were:

1. Continuing the protocol into September, which would have had an impact of 1/3 of an inch on average and 1 inch at maximum for the years 2008 thru 2018
2. Increasing the flow trigger from 150 cfs to some higher number (200 cfs was evaluated. There would have been a 1/3 or 2/3 inch impact on lake levels in some years in the period from 2010 thru 2018.)
3. Changing the timing of releases determined necessary at the 11 AM evaluation, which would have no impact on lake level

In the discussion that followed, Brookfield indicated that they need about a half hour from the time a release is determined to be necessary to do the necessary steps to safely make a release. It was suggested that the river temperature be reported on the website, but Brookfield thought that, given the current way the temperature data is retrieved by phone, that would not be practical and suggested that a third party provide a real time temperature probe if that was desired. Some stakeholders indicated that maintaining such a probe is more difficult than it might seem. However, the issue of not delaying temperature enhancement releases predicted at 11 A.M. seems to have been resolved.

At 11:06, the issue of the meaning of the Lower Rule Band (LRB), and what it would mean to make the LRB a hard limit on releases ("Lower Rule Band Firm") was raised by MDE. Stakeholders who favored a firm LRB wanted releases to be modified before reaching the lower rule band in order to avoid going below it, rather than suddenly stopping releases at the lower rule band. This might entail modifying the Temperature Enhancement Releases (TERs) or canceling some of the scheduled White Water Releases (WWRs). Stakeholders for whitewater interests noted that, in a dry year, canceled WWRs would likely be replaced with TERs, minimizing the savings. MDE noted that the whole plan would have to be in the permit or the protocols as the Source Protection and Water Appropriation Division isn't set up to make such decisions in real time. It was noted that restrictions on releases triggered by the LRB already provided a means of sharing the limited resource, and the inconvenience of it not being available, in those dry years when there simply isn't enough inflow to support all uses by all stakeholders.

DNR noted that the TER releases are at the limit of thermal tolerance for the fishery and skipping these releases could destroy the fishery which would take years to recover. It was questioned whether the TEP could be improved by use of modern computer technology. A technical workgroup on possible TEP modifications was suggested. It was also asked how many people are actually fishing. DNR proposed a presentation at the final stakeholder meeting addressing the use of the river for angling.

At 11:53 the forum was opened to the stakeholders. Brookfield noted that the proposed change in April WWRs from Friday to Saturday wouldn't have a significant impact. However, they also noted that proposals to move releases during the week to Sunday would have adverse financial impact and explained that if they were generating around the clock, it was because they needed to lower the lake level for reasons of dam safety. They also indicated that when they turned control of generation over to PJM for the purpose of regulation, it would have an adverse impact on Brookfield to start such regulation with two hours of full gate release as requested by whitewater stakeholders.

At 12:00 the meeting was concluded.