

Third and Final Stakeholder Meeting (2019-04-25 at Wisp in McHenry, Maryland)

The third and final stakeholder meeting was held from 9:00 AM to Noon on April 25, 2019 at Wisp in McHenry, Maryland with a lunch provided afterward. [A list of those in attendance is posted separately.](#)

The meeting opened with the introduction of stakeholders attending this meeting that had not attended previous meetings. This was followed by a [presentation by John Grace of the Maryland Department of the Environment \(MDE\) Water Supply Program \(WSP\)](#) that described the next steps in processing this permit application and addressing the question of listing recreational use of the lake as a use of the water appropriation in the permit. Target dates for next steps in receiving stakeholder input, dissemination of the WSP preliminary impact analysis and advertising the permit for a public informational hearing are included in the presentation. It is the WSP position that there is no contradiction between the Department of Natural Resources (DNR) regulations governing recreational use of the lake and MDEs regulations governing water appropriations. Mr. Grace stated that uses listed in the permit have always reflected uses associated with the withdrawal of water and that the 1994 permit support document and the rule band reflect the importance of recreational boating as a use of the lake. The Deep Creek Watershed Foundation (DCWF) representative made the point that legislative history is not law and recognition of the recreational use in the support document and permit history is not the same as listing in the permit.

The next agenda item was MDE WSP's request to Brookfield to include a graph of the observed lake levels year to date with respect to the rule band on the company's website, and not just the current lake level, to give context to the current lake level. Brookfield agreed to look into it. There was a discussion of the time of day a measurement should be taken to represent the daily water level as various natural phenomenon cause slightly different readings in the course of a day. The stakeholders were generally supportive of the proposed addition to the website.

MDE WSP reported back to the stakeholders the results of its consultation with Dam Safety and Brookfield regarding the topic of the rule bands and provision requiring that the water level be brought down to the upper rule band (URB) within 21 days of exceeding. MDE WSP is not in favor of changing that requirement or adjusting the rule band elevations. MDE WSP noted that the rate of decline in the rule band elevations during the warm weather mirrors what would happen by Brookfield following the required releases in the permit for a normal hydrologic year. There was discussion of this requirement and of shoreline erosion and the role high water level, boat traffic, wind, and shoreline erosion control measures play in shoreline erosion. There was also a discussion of the shape of the rule bands and the possible effects of global warming. A representative from DNR indicated that monitoring of Submerged Aquatic Vegetation (SAV) indicated a shrinking of the width of SAV beds in some areas of the lake; this could be due to multiple effects, which may include impacts from higher water levels, longer into the summer and the resultant effects on shoreline erosion and water clarity. Other hypotheses for the observed changes in SAV could be related to changes in boat traffic/use, watershed changes, increased precipitation or any combination of the above. DNR also indicated that water quality

data was available online for data taken from the main lake, but cove data was not available online.

There was a break from 9:53 AM to 10:18 AM.

When the meeting reconvened, presentations were made by Alan Klotz of DNR fisheries, and Scott Knoche of Morgan State University concerning fisheries and the results of an Angler Preference Survey.

In the first presentation, it was established that the lake supports a diverse assemblage of naturally reproducing warm, cool, and cold water fish. The lake is also stocked with cold water fish. DNR also went over the history of fishing in the Youghiogheny river area between Hoyes Run and Sang Run and how the combination of temperature enhancement releases, minimum flow releases, and dissolved oxygen augmentation are correlated with a 73% increase in trout density and close to 200% increase in "quality sized" trout. It was also noted that there was "great public access" to the area, with parking areas at Hoyes and Sang Run and an angler trail along public lands bordering the river.

The results of an Angler Survey were also presented. In 2015, an estimated 19,400 individuals took 86,700 fishing trips to Deep Creek Lake with estimated total expenditure of \$63,000,000. An estimated 3,600 individuals took 19,800 fishing trips to the Youghiogheny River with an estimated total expenditure of \$3,200,000.

During the question and answer period following the presentation, it was indicated that about 25% of the trout in the Youghiogheny River are naturally reproducing. Trout in the lake are almost totally stocked.

There was then a break from 11:11 AM to 11:23 AM.

After the meeting was reconvened, MDE conducted discussion and voting to determine consensus or non-consensus on a number of issues. These were:

1. Extending the period when the Temperature Enhancement Protocol is run from the current June 1 thru August 31 to May 15 thru September 15. There was some dispute over the impact of this action, and it was also proposed to extend the protocol into September only if the lake would remain above the Lower Rule Band (LRB) following the release. Both alternatives were considered:
 - A. If the extension into September was to be unrestricted, the vote was: YEA—Trout Unlimited, Commercial White Water, Fishing Guilds, and DNR; NAY—Property Owners Association (POA), Policy and Review Board (PRB), Friends of Deep Creek Lake, Friendsville, and the Deep Creek Foundation (DCF).
 - B. If the extension into September was to be restricted to only when only if the lake would remain above the Lower Rule Band (LRB) following the release: No objections were made.

During discussion afterward, a Steve Schreiner indicated that Temperature Enhancement Releases (TERs) on this river were unique in the brevity. He thought additional TERs into September were likely to be one hour in duration following the current protocol.

2. Changing the time of TER releases determined necessary at 11 AM to 11:30 rather than 12:30: No objections were made.
3. Increase the maximum flow (measured at Oakland) at which the protocol is run from 150 cfs to 200 cfs. During the discussion of this item, it was suggested that flow be measured at the Hoyes Run gage rather than the gage at Oakland and that a workgroup on the temperature enhancement protocol was needed. The vote on increasing the maximum flow was: YEA—DNR, Trout Unlimited, Commercial Whitewater, and Fishing Guides; NAY—PRB and POA.
4. Form a workgroup on the temperature enhancement protocol. No vote was held, but MDE WSP agreed to request for participants on the workgroup and describe the general objectives for the group. .
5. Change scheduled April Whitewater Releases from Friday to Saturday: No objections were made.
6. Keep 21 day drawdown requirement if above the Upper Rule Band (URB): YEA—All stakeholders except one (including Brookfield), NAY—PRB.
7. Increase Average Appropriation: YEA—All stakeholders except one, NAY—The Friends of Deep Creek Lake.
8. Keep the current rule band elevations: The only objection was from an unaffiliated individual.
9. Recommended language for managing lake levels: Stakeholders who don't want to change—Brookfield, Trout Unlimited, American White Water, Commercial Whitewater, Friendsville, Fishing Guilds, and DNR. Stakeholders who want to change—DCWF, Friends of Deep Creek Lake, POA, PRB.