#### Lake Levels Subcommittee Goals, Objectives, and Strategies

### **Lake Levels Subcommittee Members:**

Bob Browning, subcommittee Co-chair, and SC member representing business;

Morgan France, subcommittee member;

Bob

Hoffmann, subcommittee Co-chair, and SC member representing residents;

Neil Jacobs, subcommittee member;

Richard Matlick, subcommittee member;

Paul Weiler, subcommittee member;

Whittemore, subcommittee member;

Roger Zbel, subcommittee member.

Jess

NOTE FOR THE RECORD: The Lake Levels Subcommittee agreed that the report forwarded to the DCLWMP SC shall include majority as well as minority positions in cases where agreement is not reached. A voting record of Lake Levels Subcommittee members shall also be forwarded to the DCLWMP SC.

### **Problem Statements For the Lake Levels Subcommittee:**

- 1. Lake residents are concerned that variations in lake levels are affecting shoreline stability and recreational access.
- Downstream users are concerned that change in the current structure of lake releases will impact their economy. These economies include both whitewater recreation and power generation.
- 3. Cold water fisheries are also dependant on continuous cold water releases.

## **SECTION I**

**Over-arching Goal:** To maintain higher Lake Levels to allow lake users adequate water levels for recreation, to stop excursions below the lower rule band and to provide for the needs of other users of the water resource.

Voted on Over-arching Goal, motion by Hoffmann, second by Weiler; approved as written, by majority of France, Hoffmann, Matlick, and Weiler; 4-23-14. Opposed by Jacobs and Zbel. Browning abstained. Whittemore absent. 4-23-14



Minority position offered by Zbel and supported by Jacobs 4-23-14.

**Minority Over-arching Goal:** To maintain higher Lake Levels to allow lake users adequate water levels for recreation, to minimize excursions below the lower rule band and to provide for the needs of other users of the water resource.

## **SECTION II**

#### Goal #1

Establish a methodology that insures a fair allocation of water from Deep Creek Lake for all users especially during the months of May through September annually. Unanimously agreed to by all members 4-23-14.

## Section II – A The Water Budget

**Objective #1:** Adopt a Water Budget, which will afford the users of the waters of DCL an equitable allocation of the resource. The budget should address supply and demand as well as identify the uses of the resource.

Voted on Objective #1, motion by France, second by Weiler; approved as written, by majority of Browning, France, Hoffmann, Matlick, and Weiler; opposed by Jacobs and Zbel. 4-23-14.

**Strategy #1**: See Morgan France's work, Report #4 Binder (3-12-14 meeting), and Report #5, (4-23-14 meeting) on the DNR website, under the Lake Levels Subcommittee meeting dates and materials.

**Strategy #2:** As the state agency responsible for water allocation and the DCL Water Appropriation Permit, allow MDE the latitude to define the parameters it deems appropriate around which a water budget would be developed.

**Strategy #3:** An independent water resources engineering consulting firm hired by the new Lake Management entity created by the DCLWMP SC report shall define the parameters around which a water budget would be developed.

Voted on Strategies #1, #2, and #3, motion by France, second by Weiler; approved as written, by majority of Browning, France, Hoffmann, Matlick, and Weiler; opposed by Jacobs and Zbel. 4-23-14.



Minority position offered by Zbel and supported by Jacobs 4-23-14.

**Objective #1:** The Lower Rule Band is the Water Budget.

**Strategy #1**: (taken from the Maryland Power Plant Research Program Response to "Recommendations from the Deep Creek Lake Watershed Management Plan Lake Levels Subcommittee", dated April 5, 2014).

"The committee states the LRB levels as required in the current permit. (sic) They recommend "special WWR should not be allowed to take the lake level below the LRB nor should releases in support of the TER protocol." Assuming that 'special' WWR are the normally scheduled WWR, this statement is contrary to the current permit requirements for both WWR and TER, which were developed considering all users of the lake resources for the citizens of Maryland."

Strategy #2: Require the water budget work completed by Morgan France and referenced in the majority Strategy #1 be independently reviewed.

# <u>Section II – B The Temperature Enhancement Release protocol</u>

**Objective #2** Design a TER protocol that conserves water while maintaining the required river flow and water temperature for fish to survive.

Voted on Objective #2, motion by France, second by Matlick; approved as written, by majority of Browning, France, Hoffmann, Matlick, and Weiler; opposed by Jacobs and Zbel. 4-23-14.

**Strategy:** The new Lake Management entity shall hire an environmental engineering firm to design a Temperature Enhancement Release protocol.

Voted on Objective #2 Strategy, motion by Weiler, second by Hoffman; approved as written, by majority of Browning, France, Hoffmann, Matlick, and Weiler; opposed by Jacobs and Zbel. 4-23-14.



First Minority position offered by Zbel 4-23-14.

**Objective #2:** Design a TER Protocol that minimizes water use and allows for TER's, whitewater activities and power generation.

**Strategy**: The new Lake Management entity shall hire an environmental engineering firm to design a Temperature Enhancement Release protocol.



Second Minority position offered by Jacobs 4-23-14.

**Objective #2:** With regard to the TER protocol, maintain status quo.

## <u>Section II – C The Lower Rule Band (LRB)</u>

**Objective #3** Set an objective that the Lower Rule Band (LRB) for the months of May through September as found in the Water Appropriations Permit should not be violated except for emergencies as described in the permit.

Strategy: Request MDE change the Water Appropriations Permit accordingly.

Voted on Objective #3 and the Strategy, motion by France, second by Weiler; approved as written, by majority of Browning, France, Hoffmann, Matlick, and Weiler; opposed by Jacobs and Zbel. 4-23-14.



Minority position offered by Zbel and supported by Jacobs 4-23-14.

Objective #3: Keep the Lower Rule Band as it currently exists in the Water Appropriations Permit.

## **SECTION III**

#### Goal #2

Develop strategies to assist property owners who live in areas on DCL that typically have low water levels during the summer months.

## Strategies:

a. In order to help shallow cove slip owners and not impact other stakeholders; Define "Shore" as where the water meets land or wetted edge as it is used in COMAR 08.08.05.03 F. Docks, boating and swimming structures, and mooring buoys shall be located within 100 feet of the shore, or within 1/3 of the distance to the opposite shore, whichever is less, unless otherwise approved by special permit. This can be done as a policy change.

- b. In order to help shallow cove slip owners and not impact other stakeholders; Require, prior to closing on a property transfer, a DNR Lake Management Office "eligibility report" be provided. This report contains existing elements with the addition of comprehensive information on individual property lake water conditions and any current violation require correction, and confirm that the buy down transfers with the property.
- c. In consideration to Brookfield Renewable Power profitability and to allow for a better water reserve, amend the Water Appropriations Permit to move the Upper Rule Band (URB) to allow Full Pool of 2461.3 feet year round. (This does not mean the water must be at 2461.3, it just allows Brookfield a larger margin.)
- d. In consideration to Brookfield Renewable Power profitability and to allow for a better water reserve, amend the Water Appropriations Permit to require Full Pool (2461.3) on or around May 1<sup>st</sup>. At present there is no requirement. (Note: The Upper Rule Band for May is presently 2461 feet).

Voted on Goal # 2, Strategies a., b., c., and d. Unanimously approved as written, 4-23-14 by Lake Level Subcommittee members Browning, France, Hoffmann, Jacobs, Matlick, Weiler and Zbel. Whittemore absent.

# **SECTION IV**

## **Recommendations for the Water Quality Subcommittee**

- 1. Reduce rapid run-off through stormwater control management and allow rainwater to infiltrate in order to improve lake levels through groundwater discharge.
- Promote and incentivise reforestation of the state owned public buffer zone to reduce runoff, decrease evaporation losses, provide thermal protection, and reduce impacts of the resident Canada goose population.
- 3. Promote and incentivise reforestation of the Deep Creek Lake tributary streams and the Youghiogheny River watershed to reduce runoff, sediment, and to provide thermal protection.
- 4. Question DNR Deep Creek Lake Sediment Study:

Question goals of study and add sediment removal by dredging
Question and review Decision matrix criteria
Use long term criteria on scoring instead of only months of dredging
This make "no dredging" the worst option.
Identify sources from where sediment is coming. E.g., SAV's, leaves, shoreline erosion, the tributaries, etc.

Low water levels cause accelerated growth of SAV Low water levels expose SAV's to boat props for cultivation SAV accumulates on surface and is driven by wind to settle

5. Manage All SAV growth in shallow coves to allow for swimming, boating and healthy water;

SAV's in shallow coves restrict boating, swimming and use of PWC;

Low water levels cause accelerated growth of SAV's

Low water levels expose SAV's to boat props for cultivation

SAV's accumulates on surface and rot, and collect goose droppings.

Voted on Recommendations for the Water Quality Subcommittee, and also to be included in the recommendations of the Lake Levels Subcommittee: Unanimously approved as written, 4-23-14 by Lake Level Subcommittee members Browning, France, Hoffmann, Jacobs, Matlick, Weiler and Zbel. Whittemore absent.

jmbilek: Lake Levels subcommittee goals V4-24April