



Kevin Colburn, National Stewardship
Director
kevin@americanwhitewater.org
PO Box 1540
Cullowhee, NC 28723
828.712.4825

February 22, 2024

Re: Opposition testimony on: HB 910, Deep Creek Lake – Lower Lake Levels – Requirement and Impact Study

Dear Chairman Korman and Committee Members,

I am writing today in opposition to HB 910 and its companion bill in the Senate, because the bill would subvert a robust public process that led to a balanced hydropower permit, and would impact the interests of the many Maryland residents and visitors who benefit from the recreational water releases into the Youghiogheny River from Deep Creek Lake.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. With over 7,000 members and 80 local-based affiliate clubs, we represent approximately 80,000 whitewater boaters across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. We have several hundred members that live in Maryland, and many more that travel to Maryland for whitewater paddling related tourism. We have invested financially and through significant volunteerism to help provide public access to the Upper Youghiogheny River.

The Upper Youghiogheny River is one of the most important rivers to the paddling community in the eastern United States. Its world class whitewater rapids, protected natural scenery, and predictable dam releases from Deep Creek Lake combine to make the river a recreational treasure that draws thousands of paddlers each year. American Whitewater has many members that have bought homes and started businesses and families in Western Maryland specifically because of the Upper Youghiogheny. It is the rare river that draws not just visitors, but full time residents. This river also is the bread and butter of several local businesses that contribute significantly to the Town of Friendsville and the greater area in terms of employment, taxes, and economic activity.

The recreational water releases on the Upper Youghiogheny River are provided from the hydroelectric project that forms Deep Creek Lake. We participated in in-depth collaborative discussions with a broad array of stakeholders that framed and resulted in the 2007 Water Appropriation and Use Permit for the hydropower project, as well as subsequent permit renewal. This process was deeply vetted with stakeholders, scientifically supported, and comprehensive. The result was a permit that balanced all interests, including reservoir recreation and values, river recreation, environmental values, and hydropower generation.

This public, agency-led, science-infused process is the correct way to balance the many interests and complex issues associated with the operation of a hydropower project. HB 910 seeks to subvert that process by politically requiring certain privileges be granted to one interest group that would impact other groups and interests. Specifically, the expanded winter drawdown of the reservoir that HB 910 would dictate would delay refilling the reservoir in the spring, thereby jeopardizing important spring recreational releases that require a full reservoir, and reducing the ecologically valuable natural spring flow pulse. This would disrupt the current balanced management, disadvantage other interests, and require a costly new permitting process to integrate these changes.

While it requires only relatively basic hydrological math to know that HB 910 would likely impact recreational and ecological values, the purported benefits to reservoir-side homeowners is scientifically unsupported. In our work on well over one hundred hydropower projects, we have not seen drawdowns used to clear cove sediments, despite cove sedimentation being relatively ubiquitous. In fact, experience shows that such drawdowns at best erode narrow, incised stream channels through cove sediments but do not clear cove sediments beyond those narrow channels. So, HB 910 would likely have significant impacts without actually having its purported benefits.

We encourage the Committee not to support HB 910, because it is a costly end-run around a robust public process that will impact other stakeholders including the whitewater paddling community. Thank you for considering this testimony, and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Colburn', written in a cursive style.

Kevin Colburn
National Stewardship Director
American Whitewater

Jesse Shimrock
Upper Yough Volunteer Steward

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