

New Jersey Statement Regarding Status of the June 1st 2017 FFMP Agreement
Made 2/16/17 at the DRBC RFAC Meeting, DRBC Offices, West Trenton, NJ

While NJ concurs with the overall statement just provided by the Decree Party Principles, additional information from NJ is warranted.

At the December 2015 RFAC meeting NJ made a statement regarding the status of the FFMP negotiations and said:

“Equitable management of the shared water resources of the Delaware basin is a key priority for New Jersey. In order to accomplish this goal, the next water management agreement must utilize the best available science and data, be based upon a thorough and transparent evaluation of all of the components of the agreement, and incorporate the concept of equitable apportionment as established by the 1954 Supreme Court Decree. This is an achievable goal and will result in enhancements to flood mitigation procedures, increased ecologic protections, and more sustainable and resilient water supplies for all the Parties.”

This statement also said:

“...NJ does not believe that piecemeal change to the FFMP is the appropriate course of action.”

NJ believes that incremental but wide-ranging equitable improvements to the FFMP can be made in the short-term while at the same time allowing the thorough and transparent assessment of the water resources of the Delaware Basin and the NYC Reservoir Systems to occur, so a truly comprehensive and equitable agreement can be reached. Those incremental changes must include:

- Transparent quantification of water available to the combined NYC water supply system,
- Calculation of the ERQ/IERQ using the most recent 5-year period NYC consumption data,
- Availability of the ERQ/IERQ during normal and drought conditions,
- Identification of designated uses and volumes of IERQ water for thermal mitigation, ramping amelioration, special events, and meeting the Trenton flow objective, as well as the preservation of the ability to create extraordinary needs banks as currently allowed,
- Modest enhancements to the flood mitigation procedures; including year round application of the storage objectives,
- NJ’s diversion must be allocable per NJ regulations,
- The DRBC Water Code must be consistent with the FFMP in regards to the drought and diversion provisions in a revised FFMP.

These changes will require balanced use by NYC of all its reservoir systems, as required under the 1954 Decree, so as to not overly and unnecessarily utilize the Delaware Basin sources.

NJ seeks agreement from the Decree Parties on these concepts before proceeding to further negotiations. We fully recognize that these are complex issues which require detailed technical and potentially regulatory review, and that this process will take time. However, NJ believes that none of these ideas are new and that information already exists that can inform the decision making process. NJ’s recommendation to seek professional mediation, while previously dismissed, is still an option.

At this time NJ is not able commit to a one-year extension of the current FFMP, as other options are being more seriously considered if reform is not achievable.