

A RESOLUTION authorizing the Executive Director to enter into an administrative agreement with the New York State Department of Environmental Protection (NYSDEC) for the administration of water withdrawal and discharge projects under the One Process/One Permit Program.

WHEREAS, Section 1.5 of the *Delaware River Basin Compact* (“the *Compact*”) authorizes the Commission to utilize existing agencies for the purpose of the *Compact* to the fullest extent it finds feasible and advantageous; and

WHEREAS, Section 3.9 of the *Compact* provides that the Commission shall promote and aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the Delaware River Basin; and

WHEREAS, Section 2.3.3 of the Commission’s *Rules of Practice and Procedure* authorizes and directs the Executive Director to enter into cooperative Administrative Agreements (“AAs”) with federal and state regulatory agencies concerned with the review of projects under federal or state law in order: (a) to facilitate the submission and review of applications and determinations required under Section 3.8 of the *Compact*; (b) to avoid unnecessary duplication of staff functions and hearings required by law; and (c) for such other and different purposes as he or she may deem feasible and advantageous for the administration of the *Compact* or any other law; and

WHEREAS, Section 2.3.11 (18 CFR 401.42) of the Commission’s *Rules of Practice and Procedure*, adopted on December 9, 2015, establishes a One Permit Program to provide the opportunity for an environmental agency of a Signatory Party and the Commission to coordinate and collaborate in the administration of a single process for the review and adjudication of projects; and

WHEREAS, DRBC staff have worked closely with staff of NYSDEC to develop an AA that is in form and substance acceptable to both agencies and consistent with the provisions of Section 2.3.11 (18 CFR 401.42) (“the Draft AA”); and

WHEREAS, the Draft AA was the subject of a duly noticed public hearing conducted by the Commission on February 10, 2016 in Washington Crossing, Pennsylvania; and

WHEREAS, the Commission received no written or oral comments on the draft AA; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is authorized and directed to enter into an administrative agreement with NYSDEC that in all material respects conforms to the Draft AA duly noticed for hearing on February 10, 2016, except where changes within the parameters established by Section 2.3.11 of the *Rules of Practice and Procedure* (18 CFR 401.42) are deemed convenient or appropriate and are a logical outgrowth of the published draft.

2. The effective date of such administrative agreement shall be the later of its execution date or such other mutually convenient date as may be set forth in the agreement.

*Kara S. Coats*

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Kara S. Coats, Chairwoman *pro tem*

*Pamela M. Bush*

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Pamela M. Bush, Commission Secretary

ADOPTED: March 16, 2016