

A RESOLUTION temporarily placing water stored in Lake Wallenpaupack and the Mongaup reservoir system under operations designed to preserve and protect water supplies in the Basin during a period of persistent dry conditions.

WHEREAS, on November 23, 2016, pursuant to section 10.4 of the Delaware River Basin Compact and following a duly noticed public hearing held on November 9, 2016, the Commission approved Resolution No. 2016-7, providing for a coordinated response to dry conditions in order to preserve water in regional reservoirs.

WHEREAS, Resolution No. 2016-7 includes a drought management special permit for major diversions, releases and flow objectives, and further provides that “[e]xcept as otherwise provided by this Resolution or in accordance with a Conservation Order issued by the Commission or the Executive Director hereafter, any person, firm, corporation, or public or private entity heretofore entitled to divert or withdraw water may continue to do so within such limits as are otherwise now imposed by law” (Res. 2016-7, numbered par. 2).

WHEREAS, section 2.5.5 of the Delaware River Basin Water Code contemplates that during dry conditions, Lake Wallenpaupack and the Mongaup system reservoirs, among others, “will be utilized to complement the drought management operations of the New York City Reservoirs,”; and that “[a]fter issuance of a Conservation Order by the Commission, power generation releases from the Mongaup reservoir system shall be made only in accordance with Commission direction.”

Now therefore, BE IT RESOLVED that:

Pursuant to Resolution No. 2016-7 and section 10.4 of the Delaware River Basin Compact, to assist in meeting the main stem flow objectives at Montague and Trenton, New Jersey, a special permit and Conservation Order are hereby issued, in accordance with which:

1. Brookfield Renewable shall operate Lake Wallenpaupack in accordance with Section 2.5.5 of the Commission’s Water Code except that: (a) references in Section 2.5.5 to “Figure 1 in Section 2.5.3 A.” shall be deemed to be references to Figure 1 in Resolution No. 2016-7; and (b) references to “drought warning” in Section 2.5.5 shall be deemed to encompass both “drought watch” and “drought warning” as defined by Figure 1 in Resolution 2016-7.
2. Eagle Creek Hydropower, LLC shall operate the Mongaup system reservoirs in accordance with Section 2.5.5 of the Water Code and the Commission-approved drought operating plan for the Mongaup system reservoirs dated April 12, 2016.
3. The respective hydropower companies will coordinate their operations with the Commission through its Executive Director or his designee and with the Office of the Delaware River Master.

4. This special permit and Conservation Order shall remain in effect until the drought management special permit for major diversions, releases and flow objectives adopted by Resolution No. 2016-7 terminates in accordance with numbered paragraph 3.b. of that Resolution, unless the Commission expressly provides otherwise prior to such termination.

*/s/ William H. Graham*

BG William H. Graham, Chairman *pro tem*

*/s/ Pamela M. Bush*

Pamela M. Bush, J.D., M.R.P.

Commission Secretary / Assistant General Counsel

ADOPTED: December 14, 2016