

A RESOLUTION amending Resolution No. 2006-18, which established a temporary spill mitigation program for the Neversink, Pepacton and Cannonsville Reservoirs, to incorporate revised flood stages established by the National Weather Service.

WHEREAS, the water levels at which flooding begins, called “flood stages”, are officially determined by the National Weather Service (NWS) in consultation with local officials; and

WHEREAS, in late 2006, the NWS completed a field evaluation of flood stages immediately below each of the three New York City Delaware Basin reservoirs and at flood forecast points downstream; and

WHEREAS, as a result of its late 2006 field evaluations and following consultation with officials from the Delaware County Office of Emergency Management, the City of New York, and the State of New York, the NWS elevated official flood stages for the river reaches immediately below the Cannonsville and Neversink dams, effective December 29, 2006, and the New York City Department of Environmental Protection proposed commensurate increases in the maximum combined spill and release flow rates for each of these reservoirs; and

WHEREAS, the maximum combined spill and release rates are set to ensure that spill mitigation releases from the reservoirs do not cause flooding; and

WHEREAS, higher combined spill and release flow rates for the Cannonsville and Neversink reservoirs would allow spill mitigation releases to continue for a longer period of time before the maximum spill and releases rates for the respective reservoirs would be reached; and

WHEREAS, in deference to the wishes of local officials, no change was or is proposed to the flood stage for the East Branch Delaware River immediately below the Pepacton Dam or to the corresponding combined spill and release flow rate from Pepacton Reservoir; and

WHEREAS, in addition to changing the flood stages immediately below Cannonsville and Neversink dams, the NWS’s field evaluations resulted in changes to official flood stages and “action stages” at flood forecast points located several miles downstream of Pepacton and Neversink dams; and

WHEREAS, spill mitigation releases from the reservoirs are not made if the river stages at the respective flood forecast points downstream are above the action stage, or forecast to be above the action stage, within 48 hours of a planned spill mitigation release; and

WHEREAS, in accordance with the *Delaware River Basin Compact*, unanimous approval of the parties to the Supreme Court Decree of 1954 in *New York v. New Jersey*, 347 U.S. 995, (“Decree Parties”) is required for the Commission to take actions that affect the diversions,

compensating releases, rights, conditions, and obligations established by the Decree for the New York City Delaware Basin reservoirs; and

WHEREAS, the Decree Parties approved the proposed amendments on January 9, 2007; and

WHEREAS, in order to maximize the benefits of the amendments during the term of the temporary spill mitigation program approved by the Commission in September of 2006, New York City modified its reservoir operations upon their approval by the Decree Parties in January of 2007; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that the temporary spill mitigation program approved by DRBC Resolution No. 2006-18 on September 27, 2006 is amended as follows, to incorporate revised flood stages established by the National Weather Service:

1. The maximum combined spill and release flow rate for Neversink reservoir, listed in Table 2 of the resolution, is increased from 1800 cubic feet per second (cfs) to 3400 cfs; and the maximum combined spill and release flow rate for Cannonsville Reservoir is increased from 2200 cfs to 4200 cfs.
2. Effective December 29, 2006 the official flood stage for the East Branch Delaware River at Fishs Eddy, listed in paragraph 3.ii of the resolution, is lowered from 15 feet to 13 feet. Accordingly, the action level, above which supplemental releases from Pepacton Reservoir will no longer be made, is reduced from 13 feet to 11 feet.
3. Effective December 29, 2006 the official flood stage for the Neversink River at Bridgeville, listed in paragraph 3.iii of the resolution, is elevated from 8 feet to 13 feet. Accordingly, the water level at the gage location above which supplemental releases will no longer be made is increased from 6 feet to 12 feet.
4. These amendments shall be retroactive to January 9, 2007.

/s/ Gwen E. Baker

Lt. Col. Gwen E. Baker, Chairwoman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: February 28, 2007