

REGULATED FLOW ADVISORY COMMITTEE

September 5, 2019

Response to Comments on the FFMP 2017 General Scope and Salinity Statement

Distributed via RFAC website

Dear Interested Stakeholders:

The Delaware River Basin Commission's Regulated Flow Advisory Committee (RFAC) appreciates the comments received from the public on the General Study Work Plan and Salinity Statement. These documents were posted online in late January 2019 with a request for comments from interested stakeholders. An RFAC meeting was held on April 9, 2019 to provide additional context for the documents and a forum for questions and comments. Comments were accepted through mid-April of 2019.

The six submitted comment documents are summarized below and are available in their entirety on the RFAC [website](#)¹. The summaries are not intended to be restatements of all comments that were received, but rather highlights of major themes from each submission. Some of the comments were unrelated to the scope of these studies, but all of the comments were reviewed and appreciated. Consideration of ideas and suggestions will be made in the scoping of individual studies.

1. Trout Unlimited - Garth Pettinger:

"The current IERQ (10bg) is too small due to the continued use of the (10bg) limit remaining in place for yet another 5 years. This limit has been in effect since 2007, despite a significant decline in NYC's annual consumption and the return of the Croton System."

"The Rivermaster's balancing adjustment procedures need to change to avoid periodic dewatering of the upper Delaware river and placing the endangered DWM species at risk."

2. North Delaware River Watershed Conservancy/NORDEL - Diane Tharp:

"We understand that it is a difficult task to balance all the needs of all stakeholders in the Delaware River Basin and a delicate balance in developing a program for both flooding and drought. Yet, the catastrophic flooding experienced across our nation and during the floods of 2004, 2005, and 2006 cannot be ignored when discussing the idea

¹ https://www.nj.gov/drbc/about/advisory/RFAC_meeting_04092019.html

of “storage” in the Delaware River Basin. The Flexible Flow Management Program 2017 must address flood mitigation and add additional modifications to this part of the plan as well as estuary salinity, aquatic and fishery resources, and water supply availability studies.”

“We have just recently experienced one of the wettest years on record. The scope of the study which you are to begin must take into consideration equally both drought and flood mitigation solutions...”

3. PA Fish and Boat Commission - Daryl Pierce:

“...[W]e strongly urge RFAC and the Parties to the Decree consider the Basin’s aquatic needs in a more holistic approach, as up river decisions directly affect downriver resources and interests.”

4. Philadelphia Water Department - David Katz:

“‘Comparable protection’ of the Philadelphia drinking water supply is a policy that leads to no ocean salt at the PWD Baxter Water Treatment Plant intake. A policy contributing to ocean salt at the PWD Baxter Water Treatment Plant intake for one day is considered a ‘significant adverse impact.’”

“PWD performs extensive salinity analyses and will provide results to the Pennsylvania Department of Environmental Protection (PADEP), RFAC and stakeholders studying fisheries and aquatic resources.”

“PWD suggests that the best approach to evaluating and understanding the processes that force the intrusion of ocean salt into the upper Delaware Estuary is two-fold. First, through thorough, systematic investigations of the historic observed data and conditions. And second, through the conduct of numerical simulation experiments performed using a validated three-dimensional hydrodynamic model, to expose the important underlying physical mechanisms that drive salinity intrusion and to then predict the necessary conditions for the protection of the Philadelphia drinking water supply.”

“The expert panel convened to advise and support the modeling needs of the DRBC Designated Use Study is a resource that could be consulted to advise RFAC and the Decree Parties on the validity of the variety of tools described as available to study salinity in the Workplan.”

“RFAC should replace the Decree Party Workgroup, technical and policy deliberations should be made in public.”

5. Trout Unlimited: Shehawken Chapter - Joe Demalderis:

“Our concern is the order in which the studies are scheduled, particularly the Excess Release Quantity (ERQ) recalculation which is last on the list to be finalized in 2029. We believe that an accurate recalculation of the ERQ would likely reveal a significant amount of additional water available to the river below the New York City Delaware basin reservoirs. As such, the ERQ recalculation should be the first issue to be studied because it directly affects most of the other issues (and related topics of consideration) on the study list.”

“While we recognize that the use of the NYC Delaware basin reservoirs to repel the northward migration of the salt line from the Delaware Bay may not be the most efficient method to address the sweeping impacts of climate change and rising sea levels in the Delaware basin, it does provide some assurances of increased water releases at certain times for the Upper Delaware River.”

6. Friends of the Upper Delaware River - Jeff Skelding:

“We have a concern with the proposed order for the studies. The Excess Release Quantity (ERQ) recalculation is last on the list to be finalized in 2029 but it may impact the outcomes of the other studies. We believe that an accurate recalculation of the ERQ would likely reveal a significant amount of additional water available to the river below the New York City Delaware basin reservoirs. Knowing the amount of water actually available is a cornerstone for the other study topics, and logically, that study should happen before the others. “

“When will study 2.2 Balancing Adjustment commence?”

“The use of the NYC Delaware basin reservoirs to repel the northward migration of the salt line from the Delaware Bay has impacts beyond keeping the salt front at bay. These releases provide additional water to the Upper Delaware River cold water ecosystem, often during hot and dry periods. If the reservoir releases were to be detached from the salt front, a new policy designed to mitigate the impacts to the Upper Delaware River would need to be put in place. FUDR would prefer that modest increases in baseline FFMP releases or a new Upper Delaware flow target be incorporated into the FFMP as a long-term solution to the needs of the upper river.”

The Decree Parties will continue to utilize RFAC and the Subcommittee on Ecological Flows (SEF) for questions related to aquatic life and will seek additional expertise on that and other topics. The Decree Parties will work with the stakeholders through RFAC to discuss technical issues, including consideration of technical information provided by outside parties.

More specifically, in regard to the comments related to the timing of the Excess Release Quantity (ERQ) study and the request for it to be completed in the first five year program so

that it can inform other ongoing work such as the salinity, thermal, and rapid flow change mitigation studies, as well as the size and use of ERQ banks, these comments will be reviewed prior to the completion of the salinity study.

The Office of the Delaware River Master is in the process of re-evaluating the release design procedure for directed releases, including the balancing adjustment. Once this procedure has been developed it will be presented to the public.

The Flexible Flow Management Program (FFMP) is multifaceted and contains drought management provisions, habitat protection and flood mitigation. As the individual studies progress and new program options are developed, the impacts to various components of the FFMP will be evaluated.

The Decree Parties are looking forward to continued dialogue with the stakeholders through RFAC, SEF and other forums as the studies progress.

The RFAC thanks you for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Steven Domber".

Steven Domber
Chair, Regulated Flow Advisory Committee