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DELAWARE RIVER BASIN COMMISSION

REGULATED FLOW ADVISORY COMMITTEE (RFAC)

BYLAWS

Background and Purpose of the Regulated Flow Advisory Committee

A Flow Management Technical Advisory Committee (FMTAC) to the Delaware River Basin Commission (Commission) was authorized by Resolution No. 83-6, based upon the need to continue technical support for the implementation of the "Good Faith" recommendations. As referenced in Resolution 83-6 a technical Task Group, including all the parties to the 1954 U.S. Supreme Court Decree (Decree), was originally formed in 1967 (Resolution 67-4) to reevaluate the adequacy of water supply resources of the Delaware River Basin. In 1977, the Task Group was charged to carry out the mandates of DRBC Docket No. D-77-20 with regard to the development of drought emergency criteria, conservation measures, and long term reservoir operations planning. This work was completed in 1979, with the report entitled "Task Group Report, DRBC Docket No. D-77-20 Appraisal of Upper Basin Reservoir Systems, Drought Emergency Criteria and Conservation Measures". The report was used as a basis for continued study and recommendations in both the Commission's "Level B Study," completed in 1981, and the "Good Faith" negotiations, which resulted in the completion of a report entitled "Interstate Water Management Recommendations of the Parties to the U.S. Supreme Court Decree of 1954 to the Delaware River Basin Commission Pursuant to Commission Resolution 78-20," completed in November 1982.

Resolution 83-6 continued the functions of the Task Group and renamed the committee as the Flow Management Technical Advisory Committee. The function of FMTAC was to follow through with the Good Faith Recommendations pertaining to water resource planning during droughts and the planning of additional water supply storage, if needed, to maintain flow objectives on the river. Its technical work resulted the implementation of basin wide and lower basin drought operating plans, contained in Resolution Nos. 83-13, 84-7 and 88-22. The FMTAC continues to evaluate Decree related reservoir releases programs for multiple objectives, and makes recommendations to the Commission based on these evaluations. These recommendations have resulted in several experimental or interim revisions to the reservoir releases program, including the most recent interim revision contained in Resolution 2004-3.

Resolution No. 98-21 created the Water Management Advisory Committee (WMAC) to the Commission. The WMAC was charged with advising the Commission on issues related to the unregulated tributaries. At that time, it was also decided that the FMTAC should advise the Commission on all issues related to the main stem Delaware River and the regulated rivers below the Francis E Walter, Blue Marsh and Beltzville Reservoirs.

Resolution No. 2005-18 reconstituted the FMTAC as the Regulated Flow Advisory Committee (RFAC). It clarified the RFAC's scope to include the regulated streams below Cannonsville,

Pepacton, Neversink, Merrill Creek, Blue Marsh, F. E. Walter, Beltzville and Nockamixon reservoirs, Lake Wallenpaupack and the hydropower reservoirs in the Mongaup River. The RFAC was charged with: advising the Commission about regulated flows and potential changes to the Water Code; providing a forum for public discussion; disseminating accurate scientific information; and increasing understanding of operational and legal constraints and opportunities.

Committee Representation

The members of this committee are the appointed representatives, two each from Delaware and New Jersey, and one each from New York, New York City, Pennsylvania, Philadelphia, the River Master, and the U. S. Army Corps of Engineers. Each member shall be a voting member.

Meetings

All RFAC meetings in which actions are taken by RFAC, including approval of recommendations to be submitted to the Commission, will be open to the public. Meetings will be scheduled on an as-needed basis, but at least two meetings will be held during each calendar year.

Subcommittees

The RFAC may form subcommittees. These subcommittees may structure their membership and conduct their business in a manner to best address their charter and needs, subject to the approval of the RFAC.

Committee Chair and Vice-Chair

Responsibilities of the Chair include: conducting meetings, consulting with Commission staff on meeting agendas, and reporting to the Commission. The Chair and Vice-Chair will be selected by the members of the RFAC. The term of the Chair and Vice-Chair will be two years. The Vice-Chair will succeed to the Chair at the end of the two-year period, and a Vice-Chair will be elected.

Designees

Members may send designees to FMTAC meetings. The designee will have the same privileges as the member, including voting rights.