

A RESOLUTION pursuant to section 10.4 of the Delaware River Basin Compact to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions by providing for coordinated actions to manage out-of-basin diversions, Delaware River flow objectives, and regional reservoir operations.

WHEREAS, the states of New Jersey and New York and the Commonwealth of Pennsylvania have issued drought watches and warnings for most of the counties within the Delaware River Basin and have taken steps to manage water availability, including a call for water conservation by all users; and

WHEREAS, several hydrologic and drought indicators and trends, including reservoir storage volumes, precipitation, streamflows, the location of the salt front in the Delaware River Estuary, and national drought monitors all indicate stressed conditions that could lead to regional and localized drought, adversely affecting water supplies and the attainment of DRBC flow management objectives; and

WHEREAS, the Commission's drought operating plans as set forth in its Water Code complement the states' drought response measures by providing for the conservation of regional reservoir storage through phased reductions in diversions, reservoir releases and flow objectives for purposes of water supply and flow augmentation in the Delaware River and salinity control in the Delaware River Estuary; and

WHEREAS, the DRBC Water Code defines "basinwide" and "lower basin" drought conditions and provides for the implementation of corresponding drought management actions, while simultaneously encouraging the Commission and Decree Parties by unanimous agreement to modify and adjust plans as necessary and appropriate to reflect actual conditions and needs; and

WHEREAS, in anticipation of the need to consider a declaration under section 10.4 of the Delaware River Basin Compact, the Commission on November 9, 2016 held a public hearing to accept input on the persistent dry conditions throughout the basin and how to address them; and

WHEREAS, section 10.4 of the Compact provides that "[i]n the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein," and further provides that "[f]or the duration of such emergency... no person, firm, corporation or other public or private entity shall divert or withdraw water for any purpose, in excess of such quantities as the commission may prescribe by general regulation or authorize by special permit"; and

WHEREAS, the Compact and Water Code empower the Commissioners and Decree Party representatives to jointly select and implement operations plans designed to meet existing conditions; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. **Declaration Under Section 10.4 of the Compact.** To address overall dry conditions throughout the basin, the Commission is taking the procedural step of declaring a “water supply emergency” pursuant to section 10.4 of the Delaware River Basin Compact for the entire Delaware River Basin. This action is not a declaration of a “drought emergency” by DRBC or any other jurisdiction, but it allows the Commission to implement a coordinated response to conserve water in regional reservoirs. Future conditions will determine if and when there may be a need to declare a “drought emergency.”
2. **Allowable Water Uses.** Except 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.
3. **Drought Management Special Permit for Major Diversions, Releases and Flow Objectives.** Pursuant to section 10.4 of the Compact, a special permit is hereby approved, the conditions of which are set forth below, to provide for coordinated operation of regional reservoirs and diversions, and in particular, to conserve regional reservoir storage.
 - a. **Decree Party Consent.** Because the diversions, releases and flow objectives established hereby affect the diversions, compensating releases, rights, conditions, obligations, and provisions for administration thereof as provided in the United States Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954) (“Decree”), in accordance with section 3.3 of the Compact, the parties to the Decree have signified their consent hereto by the signatures of their authorized representatives on an attached page.
 - b. **Term of Special Permit.** Implementation of the conditions of this special permit shall begin immediately, and unless the Commission with the unanimous consent of the Decree Parties provides otherwise, shall terminate upon: the date of the Commission’s first quarterly business meeting in 2017, currently scheduled for Wednesday, March 15, 2017; or the date when all criteria for termination of basinwide “drought watch” established by section 2.5.3 E.3. of the Water Code are satisfied, whichever occurs earlier.
 - c. **Drought Stages.** For purposes of this special permit, drought stages consisting of “drought watch,” “drought warning” and “drought” shall be determined on the basis of combined storage in the Cannonsville, Pepacton, and Neversink Reservoirs, as set forth in Figure 1 below.
 - d. **Basin Deemed to be in “Drought Watch” Stage.** Based on combined reservoir storage as of this date and in consideration of current hydrologic conditions, the Commission deems the current drought stage for the basin to be “drought watch,” effective immediately.
 - e. **Out-of-Basin Diversions and Delaware River Flow Targets.** The schedule of diversions and flow objectives will be in accordance with the basinwide drought

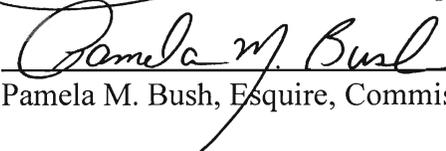
stages depicted in Figure 1 and the corresponding rates set forth in Tables 1 and 2 below.

The difference between the amount of water diverted from the basin by New Jersey and the lower values in the diversion ranges set forth in Table 1 will be drawn from a bank of water provided by the Decree Parties. No offsetting or accounting for offsetting is required for New Jersey's increased diversions on any day when DRBC determines that no releases are required from lower basin reservoirs to meet the Trenton flow objective. The bank is capped at the current balance of 1.48 BG (2,300 cfs-days) for this special permit.

- f. **Other.** Except as set forth in paragraphs 3.b. through 3.e. above, drought operations shall be in accordance with sections 2.5.1 through 2.5.5 of the Water Code.
 - g. **Operation of Lower Basin and Hydroelectric Reservoirs.** Upon implementation of the drought management special permit conditions for major diversions, releases and flow objectives as set forth in paragraphs 3 above, the provisions of section 2.5.5 of the Water Code for "Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought" shall go into effect, provided, however, that for the duration of drought operations under this "special permit," references to the term "drought warning" in section 2.5.5 shall be deemed to refer to both the "drought watch" and "drought warning" stages defined in Figure 1 below.
 - h. **Ongoing Consultation, Coordination and the Potential for Modification.** Consultation among the Commissioners, Decree Parties and Delaware River Master will continue throughout the duration of the current drought event. On the basis of these ongoing consultations and with the unanimous consent of the Decree Parties, the operations prescribed herein may be modified or terminated.
4. **Signatory State Actions.** The signatory states shall be responsible for the declaration of county or statewide drought stages in their respective jurisdictions as they deem necessary, and shall be responsible for the implementation and enforcement of associated water use restrictions in these areas.
 5. **Maximized Water Use Efficiency Encouraged.** All residents, businesses and users of waters of the basin are encouraged to maximize water efficiency to preserve and protect the basin's water supplies as provided for in section 2.1.4 of the Water Code.
 6. **Effective Date.** This Resolution shall take effect immediately.



LTC Michael A. Bliss, Chairman *pro tem*



Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: November 23, 2016

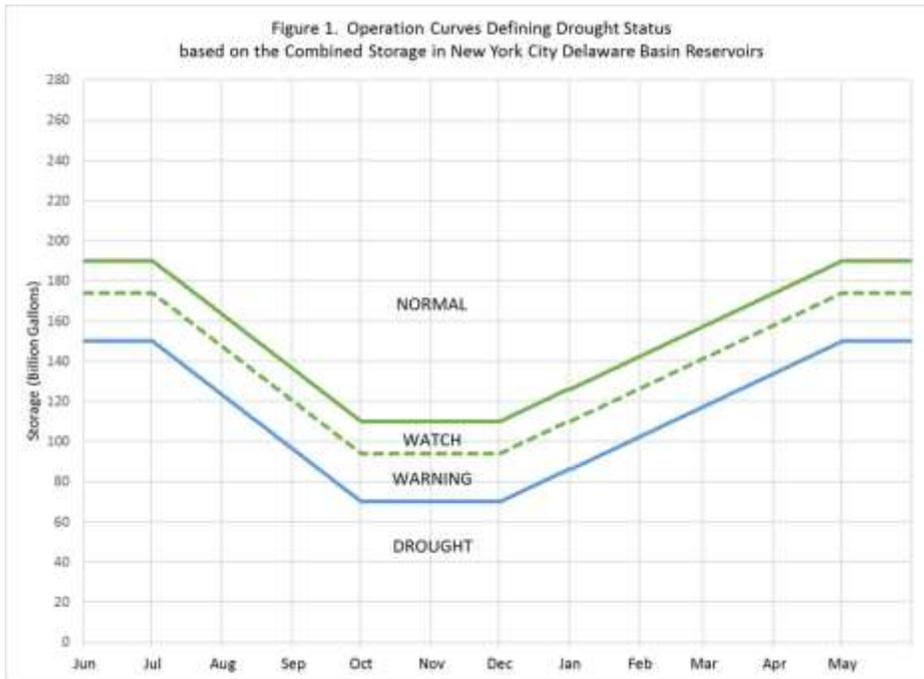


Table 1
Interstate Diversions and Flow Objectives

Basin-wide Storage Condition	NYC Diversion (mgd)	NJ Diversion (mgd)	Montague Flow Objective (cfs)	Trenton Flow Objective (cfs)
Normal	800	100	1,750	3,000
Drought Watch	680	85 - 100**	1,650	2,700
Drought Warning	560	70 - 100**	1,550	2,700
Drought	520	65 - 85**	1,100 - 1,650 *	2,500 - 2,900 *

* - Varies with time of year and location of the salt front in accordance with Table 2

** - The NJ Diversion is expressed as a range and it can vary based upon Item 3.3e in this Resolution

Table 2
Adjustments for Montague and Trenton Flow Objectives During Drought [1]

7-day average location of Salt Front [2] River Mile (RM) [3]	Montague, NJ			Trenton, NJ [4]		
	Dec.-Apr.	May-Aug.	Sept.-Nov.	Dec.-Apr.	May-Aug.	Sept.-Nov.
Upstream of RM 92.5	1,600	1,650	1,650	2,700	2,900	2,900
Between RM 87.0 and RM 92.5	1,350	1,600	1,500	2,700	2,700	2,700
Between RM 82.9 and RM 87.0	1,350	1,600	1,500	2,500	2,500	2,500
Downstream of RM 82.9	1,100	1,100	1,100	2,500	2,500	2,500

[1] As defined in Figure 1.

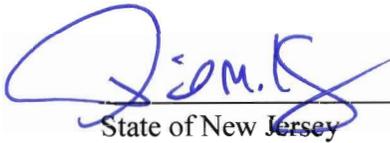
[2] Defined as the 250 milligram per liter isochlor in the Delaware Estuary

[3] Measured in statute miles along the navigation channel from the mouth of Delaware Bay

[4] The Trenton Flow objective is achieved if the sum of the flows observed at the USGS Trenton gaging station, releases in excess of conservation release from Blue Marsh Reservoir, and 70 cfs to account for bypass flows via Yardley and the Point Pleasant Pumping Station is greater than the Trenton Flow Objective listed above.

**CONSENT TO ACTION BY
DELAWARE RIVER BASIN COMMISSION**

Consent of the parties to the U.S. Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) to Resolution No. 2016-7 of the Delaware River Basin Commission to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions by providing for coordinated actions to manage out-of-basin diversions, Delaware River flow objectives and regional reservoir operations.



State of New Jersey

11/23/16

Date

State of New York

Date

State of Delaware

Date

Commonwealth of Pennsylvania

Date

State of Delaware

Date

City of New York

Date

