

NO. 2025 - 01

A RESOLUTION extending the special permit issued by Resolution No. 2024-07 pursuant to Section 10.4 of the Delaware River Basin Compact, to continue operation of regional reservoirs and diversions in a manner that conserves water storage as dry conditions persist.

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, following a duly noticed public hearing on November 19, 2024, by Resolution No. 2024-07 on December 5, 2024 (the “Resolution”), the Commission declared a “water supply emergency” pursuant to Section 10.4, and by Special Permit No. 2024-01, comprising paragraph 3 and sub-paragraphs 3.a. through 3.g. of the Resolution (the “Special Permit”), provided for coordinated actions to manage out-of-basin diversions, main stem objectives, and regional reservoir operations; and

WHEREAS, in accordance with paragraph 3.c of the Resolution, because implementation of the Special Permit has not terminated automatically, termination will occur upon “the date of the Commission’s first quarterly business meeting in 2025, currently scheduled for Wednesday, March 12, 2025,” unless the Commission with the unanimous consent of the parties to the Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954) (“Decree Parties”) provides otherwise; and

WHEREAS, indicators of recovery from the extremely dry conditions of the late summer and fall are mixed:

- The dry conditions of the past seven months have improved;
- combined storage in the City of New York’s (the “City’s”) three Delaware Basin reservoirs, which determines drought operating stages for major out-of-basin diversions, main stem flow objectives, and reservoir releases in accordance with the Special Permit and the [Delaware River Basin Water Code](#) (“Water Code”), is approximately 39.3 billion gallons above the drought watch line; and
- the City is projecting that its reservoirs are likely to refill by June 1; however,
- combined storage in the City’s Delaware Basin reservoirs is below normal for March;
- state drought declarations remain in effect over much of the Delaware, New Jersey, and Pennsylvania portions of the basin; and
- multiple 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, continue to indicate stressed conditions that could adversely affect water supplies and the attainment of DRBC flow management objectives; and

WHEREAS, unless conditions improve, the basin could enter a “drought watch” as defined by the Special Permit and the Water Code in the coming weeks or months; and

WHEREAS, although drought operating plans set forth in the Water Code are in place and could otherwise go into effect if conditions worsen, the Commissioners and Decree Parties jointly have determined that the provisions of the Special Permit constitute the preferred drought operating plan at this time and should be implemented if dry conditions persist; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

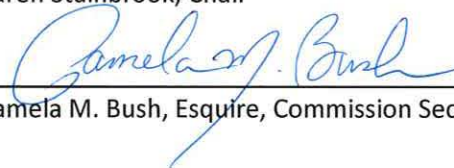
1. **Drought Management Special Permit No. 2024-01 for major diversions, releases and flow objectives will continue in effect.** To provide for coordinated operation of regional reservoirs and diversions, and in particular, to conserve regional reservoir storage, the Special Permit comprising paragraph 3 and sub-paragraphs 3.a through 3.g. of Resolution No. 2024-07 is hereby extended subject to the following:
 - a. Terminology. Special Permit No. 2024-01, as extended by today’s action, shall be referred to as “Special Permit No. 2024-01 E-1” or, hereinafter, the “Extended Special Permit.”
 - b. Decree Party Consent. Because the diversions, releases and flow objectives established by the Special Permit 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 to this Extended Special Permit by the signatures of their authorized representatives on the attached pages.
 - c. Drought Operations. Initiation of drought operations and the detailed provisions of such operations shall continue to be defined as set forth in paragraphs 3.b., 3.d. through 3.g., Figure 1 and Tables 1 and 2 of Resolution No. 2024-07. The figure and tables are attached hereto for reference.
 - d. Termination. This Extended Special Permit shall terminate by either of the mechanisms set forth below, and this paragraph 1.d. shall supersede paragraph 3.c. of Resolution No. 2024-07:
 - i. Should drought operations be initiated in accordance with paragraph 1.c. of this resolution, such operations and the Extended Special Permit shall terminate on the date when the combined storage in the New York City Delaware Basin reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallons above the drought watch line, as defined in Figure 1 of Resolution No. 2024-07 (reprinted below), and remains above that level for five consecutive days.
 - ii. Should drought operations not be initiated in accordance with paragraph 1.c. of this resolution, the Extended Special Permit shall terminate at the conclusion of the Commission’s second quarterly business meeting, currently scheduled

for Wednesday, June 11, 2025, without the need for further Commission or Decree Party action.

- e. Modification. At any point before the Extended Special Permit terminates by either of the means set forth in paragraph 1.d. above, the Commission may, with the unanimous consent of the parties to the Decree, modify the conditions of the Extended Special Permit, including those for its termination.
2. **The water supply emergency declaration and other responsive actions will continue in effect.** Until the Commission determines by resolution that the water supply emergency declared on December 5, 2024, has ended or the Executive Director after consultation with the Commissioners so determines, the Commission actions approved by Resolution No. 2024-07 regarding allowable water uses (paragraph 2), consumptive use management (paragraph 4), and interference and impairment (paragraph 6), shall remain in effect, as shall the Commission's recognition regarding signatory state actions (paragraph 5), and its appeal to residents and businesses to maximize water efficiency (paragraph 7).
3. **Effective Date.** This Resolution shall take effect immediately. Drought operations shall commence only in accordance with paragraph 3.e. of Resolution No. 2024-07.



Karen Stainbrook, Chair



Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: March 12, 2025

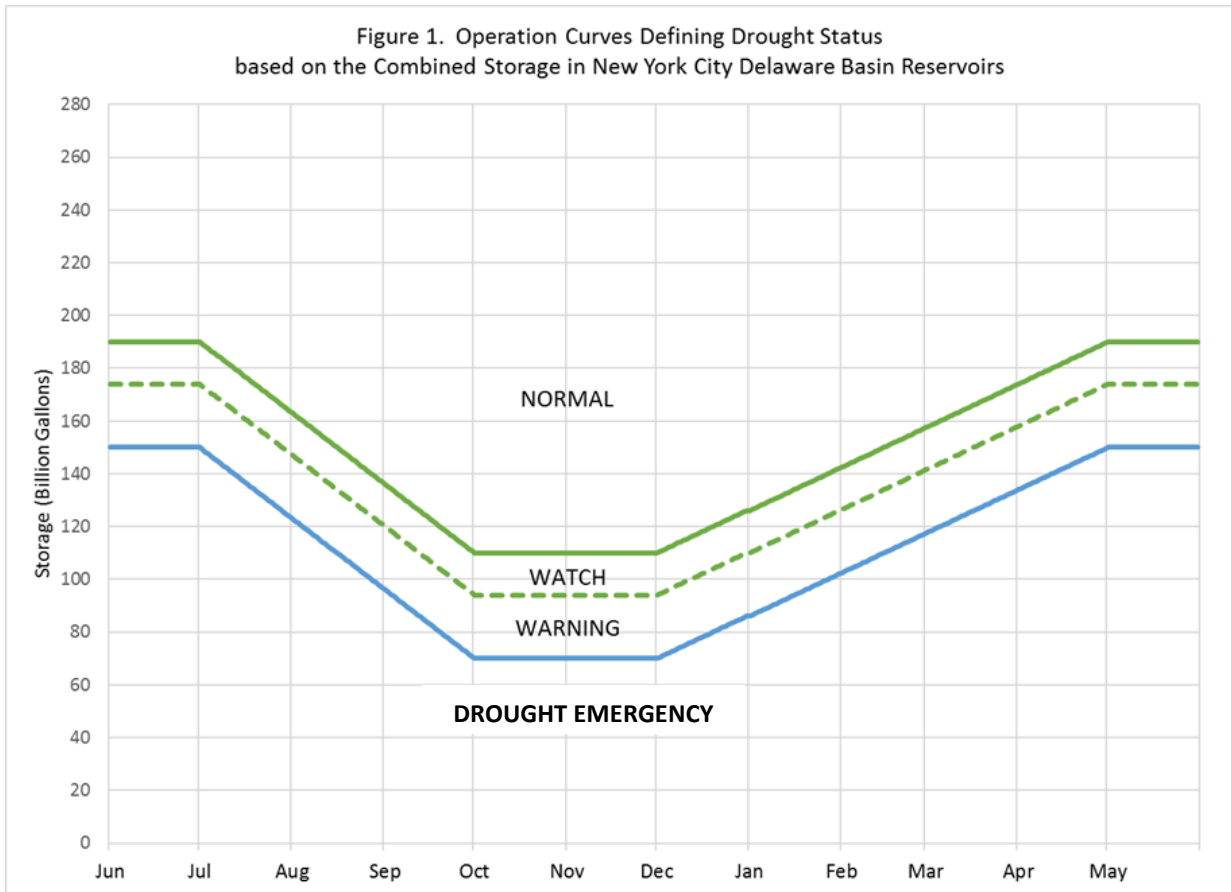


Table 1
Interstate Operation Formula for Diversions and Flow Objectives

NYC Storage Condition	NYC Diversion (mgd)**	NJ Diversion (mgd)**	Montague Flow Objective (cfs)	Trenton Flow Objective (cfs)
Normal (L1, L2)	800	100	1,750	3,000
Drought Watch (L3)	680	100	1,650	2,700
Drought Warning (L4)	560	90	1,550	2,700
Drought Emergency (L5)	520	80	1,100-1,650*	2,500-2,900*
Severe Drought	(to be negotiated depending upon conditions)			

* Varies with time of year and location of salt front, in accordance with Table 2.

** Diversions to be computed in accordance with Section 2.5.3 D. of the DRB Water Code.

Table 2
Adjustments for Montague and Trenton Flow Objective During Drought Emergency [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 milligrams 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 Paragraph 1 of Resolution No. 2025-01 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.

Patricia Gardner 3/10/25

State of New Jersey Date

State of New York Date

State of Delaware Date

Commonwealth of Pennsylvania Date

City of New York Date

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Commonwealth of Pennsylvania

Date



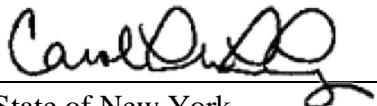
City of New York

3/6/2025

Date

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_____	Date		3/10/2025
State of New Jersey		State of New York	Date
_____	Date	_____	Date
State of Delaware		Commonwealth of Pennsylvania	
		_____	Date
		City of New York	

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State of New Jersey Date

State of New York Date

State of Delaware Date

 3/4/2025

Commonwealth of Pennsylvania Date

City of New York Date