

RESOLUTION FOR THE MINUTES

A RESOLUTION authorizing the Executive Director to enter into a contract for engineering services to evaluate additional selected storage options that could support future water supply, flow management, and other water needs and uses in the Delaware River Basin.

WHEREAS, Section 3.6 of the Delaware River Basin Compact authorizes the Commission to:

Conduct and sponsor research on water resources, their planning, use, conservation, management, development, control and protection, and the capacity, adaptability and best utility of each facility thereof, and collect, compile, correlate, analyze, report and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand, and general hydrological conditions;

WHEREAS, the Commission's *State of the Basin Report* (2019) and sections of the *Comprehensive Conservation and Management Plan for the Delaware River Estuary* (CCMP) (Partnership for the Delaware Estuary, 2019) authored by the DRBC staff both recognized potentially significant challenges to management of the Basin's water resources posed by climate change; and

WHEREAS, ongoing work by the Commission, including a 2024 draft DRBC Technical Report titled *The Impact of Sea Level Rise on Salinity Intrusion in the Delaware River Estuary* has shown the potential for sea level rise to impact the location of the salt front and the availability of storage to manage salinity in the Delaware River Estuary; and

WHEREAS, Section 2.400 of the *Delaware River Basin Water Code*, captioned "Design Streamflow Criteria," provides in relevant part that "[t]he drought of record, which occurred in the period 1961-1967, shall be the basis for determination and planning of dependable Basin water supply . . . [and] for planning and development of facilities and programs for control of salinity in the Delaware Estuary" (sec. 2.400.1 – 2.400.2); and

WHEREAS, on March 11, 2020, following a competitive bidding process conducted in accordance with Section 14.9 of the Compact, the Commission adopted a Resolution for the Minutes authorizing the Executive Director to enter into a contract with the firm Mott MacDonald for engineering services to inventory and evaluate the feasibility of options for additional storage in the Delaware River Basin; and

WHEREAS, in April 2023, the Commission published a technical report titled *Evaluation of Additional Storage in the Delaware River Basin* (the “April 2023 Report”), prepared by Mott MacDonald, which included a screening of over 2,500 potential storage options in the Basin, including new reservoirs, existing reservoirs, quarries and abandoned mines; and

WHEREAS, fourteen (14) of the projects (12 quarries and 2 existing reservoirs) identified in the April 2023 Report were selected for further consideration based upon the study evaluation criteria; and

WHEREAS, the Commission deems the continued development of potential storage options for meeting water resource objectives within the Basin to be prudent at this time, building upon the engineering work previously conducted by Mott MacDonald and using Commission Water Supply Storage Facilities Fund monies available for this purpose; and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has informally pledged its cooperation and funds to further evaluate one of the options identified in the April 2023 Report that merits further investigation, expansion of the Cannonsville Reservoir, which is owned and operated by NYCDEP; and

WHEREAS, the contemplated study will *not* include recommendations regarding or otherwise affect an ongoing re-evaluation study for the Francis E. Walter Dam or studies related to use of the Excess Release Quantity as defined by the Supreme Court Decree of 1954 in the matter of *New Jersey v. New York*, 347 U.S. 995; and

WHEREAS, the contemplated study will be used to help further inform the Commission regarding the feasibility of several storage options which may be determined in the future to be necessary for meeting multiple water resource management objectives within the Basin, including but not limited to: system resilience; drought management; flow management; salinity control; sea level rise and climate adaptation; water availability; localized flow needs; water quality to support designated uses; spill mitigation; and water emergencies;

WHEREAS, in accordance with Section 13.1 of the Compact, before any potential storage project is recommended and then proposed to be added to the Comprehensive Plan, “the [C]ommission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties and their political subdivisions.” Pursuant to the same section, the Commission “shall conduct public hearings . . . prior to the adoption of the [Comprehensive Plan] or any part of the revision thereof”; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized to enter into a contract with Mott MacDonald to provide a feasibility study that includes additional engineering, cost, funding, operations and ownership analysis for four potential storage projects identified in the April 2023 Report, including up to three existing quarries as selected by Commission staff in consultation with the Commissioners, and expansion of the Cannonsville Reservoir (the “Study”).

2. The Executive Director is hereby further authorized to enter into a contract with the NYCDEP for its cooperation in and full funding of the component of the Study focused on Cannonsville Reservoir.

3. Study contract components related to the evaluation of the quarries shall be funded entirely with monies from the Commission’s Water Supply Storage Facilities Fund and shall not exceed the sum of \$400,000.

4. In accordance with paragraph 5 of Section 14.9 of the Compact, the competitive bidding requirements of that section are hereby waived as to the contract authorized by paragraph 1 above, because the services to be provided are of a specialized and professional nature.

5. The DRBC Executive Director shall provide the DRBC Commissioners with quarterly progress reports on the Study, outlining pertinent findings regarding the storage options being considered.

6. As noted above, in accordance with Section 13.1 of the Compact, before any recommendations are made for additional storage in the Basin as a possible result of this study, DRBC staff shall consult with and seek input from: all relevant DRBC advisory committees and subcommittees (including the Subcommittee on Ecological Flows) and all relevant host state agencies responsible for environmental protection, water supply, fisheries and aquatic life, and public recreation.

7. This Resolution shall take effect immediately.

Adopted: September 5, 2024