

DOCKET NO. D-77-20 CP (Revision 5)

DELAWARE RIVER BASIN COMMISSION

A RESOLUTION to extend Docket No. D-77-20 CP (Revision 4) for one year to continue the experimental augmented conservation release program for the New York City Delaware Basin Reservoirs, and to amend Docket No. D-77-20 CP (Revision 4) to establish a temporary habitat bank for support of experimental flow targets for fisheries protection on the West Branch of the Delaware River at Hale Eddy, and to temporarily modify the conservation releases from Cannonsville Reservoir.

WHEREAS, Docket No. D-77-20 CP (Revision 4) specified the current augmented experimental release program and instituted a drought watch and a revised drought warning level for the three New York City Delaware Basin Reservoirs beginning in May 1999 and ending on April 30, 2001; and

WHEREAS, Resolution No. 2001-5 extended Docket No. 77-20 CP (Revision 4) for one calendar year ending on April 30, 2002, and

WHEREAS, Docket No. D-77-20 CP (Revision 4) condition h. provides for an extension of the provisions of this Docket upon agreement of all parties to the 1954 Supreme Court Decree; and

WHEREAS, the parties to the 1954 Supreme Court Decree are in the process of negotiating a permanent fisheries release program more responsive to the water conditions downstream of New York City Delaware Basin Reservoirs; and

WHEREAS, agreement on the permanent fisheries release program is not expected prior to April 30, 2002, the date at which the current program will automatically terminate; and

WHEREAS, the State of New York has proposed a revision and extension to Docket No. D-77-20 CP (Revision 4) for one calendar year ending April 30, 2003; and

WHEREAS, the requested revision and extension has been agreed to by all parties to the 1954 Supreme Court Decree;

BE IT RESOLVED by the undersigned Commissioners and Parties to the Decree:

1. The Parties to the 1954 Supreme Court Decree agree that development of a viable permanent fisheries release program requires consideration of other related issues, including interbasin transfer policy, Good Faith operations, the DRBC Comprehensive Plan currently being developed, New York City participation, and procedures for computing the Excess Release Quantity.
2. Docket No. D-77-20 CP (Revision 4) is hereby extended for one year to April 30, 2003, with the following modifications.
 - A. A "Habitat Bank" is established, which shall consist of 5,700 cfs-days that shall be contributed for one year only from the Excess Release Quantity (ERQ) as the ERQ is currently computed and such quantity of water as may be transferred from the Thermal Release Bank (which shall be credited on May 1, 2002 and expires on October 31, 2002) from time to time as may be necessary. The 5,700 cfs-days from the ERQ shall be credited on June 15, 2002, and any water remaining from that quantity shall expire on March 15, 2003.
 - B. Upon entry into "Drought Watch", the remaining Thermal Release Bank shall be reduced by 15 percent.
 - C. Upon entry into "Drought Warning", the remaining Thermal Release Bank shall be suspended until storage in the New York City Delaware River Basin Reservoirs is 25 billions gallons (bg) above the drought watch line for 15 consecutive days.
 - D. The Habitat Bank shall be used only to meet the following targets in the West Branch Delaware River at Hale Eddy:
 - During Normal Conditions - 225 cfs
 - During Watch Conditions - 190 cfs
 - During Warning Conditions - 150 cfs
 - E. Upon entry into Drought Emergency, the Habitat Bank shall be suspended until storage in the New York City Delaware River Basin Reservoirs is 25 bg above the drought watch line for 15 consecutive days.
 - F. Conservation releases from Cannonsville Reservoir shall be:
 - During Normal Conditions - 45 cfs
 - During Drought Watch Conditions - 35 cfs
 - During Drought Warning Conditions - 23 cfs
 - During Drought Emergency Conditions - 8 - 23 cfs

- G. Comparison of the difference between releases from the Habitat Bank and the conservation releases under D-77-20 CP (Revision 4) will be made and the difference debited or credited to the habitat bank. However, a negative balance in the Habitat Bank is not allowed.
 - H. All other conditions shall continue as specified in Docket No. D-77-CP (Revision 4).
 - I. This resolution takes effect immediately and will expire on May 1, 2003.
 - J. No additional water beyond that specified in this resolution will be made available.
3. These specific conservation releases are not available when coming out of the present drought emergency until storage is 25 bg above the drought watch line for 15 consecutive days.

/s/ Col. John P. Carroll

Col. John P. Carroll, Chairman pro tem

/s/ Pamela M. Bush

Pamela M. Bush, Esq., Commission Secretary

ADOPTED: April 3, 2002

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 the action of the Delaware River Basin Commission in approving Docket No. D-77-20 CP (Revision No. 5) amending the Comprehensive Plan with respect to experimental modifications to the schedule of release rates from Cannonsville, Pepacton and Neversink Reservoirs.



State of New Jersey

4/3/02

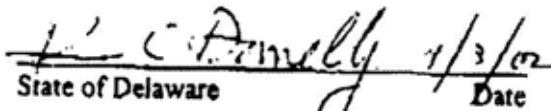
Date



State of New York

04/03/02

Date



State of Delaware

4/3/02

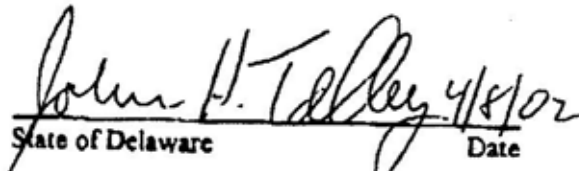
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Commonwealth of Pennsylvania

04/03/02

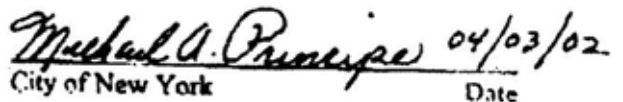
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State of Delaware

4/8/02

Date



City of New York

04/03/02

Date