



DELAWARE RIVER BASIN COMMISSION

NOTICE OF PUBLIC HEARING ON INTERIM SPILL MITIGATION MEASURES FOR THE NEW YORK CITY DELAWARE BASIN RESERVOIRS AND DEVELOPMENT OF A COMPREHENSIVE BASIN-WIDE FLOOD MITIGATION PLAN

The Delaware River Basin Commission will hold a public hearing during its regularly scheduled business meeting on September 27, 2006 to consider interim spill mitigation measures to be implemented at New York City's three Delaware Basin reservoirs – Cannonsville, Pepacton and Neversink -- while work continues on the development of a new multi-objective long-term management plan for those reservoirs. The interim measures under consideration are intended to reduce the likelihood that the three reservoirs could be full and spilling coincident with a major storm or thaw. The New York City reservoirs provide substantial attenuation of peak flows downstream even when full. Spill mitigation could add a small measure of seasonal peak flow reduction, particularly in the tailwaters below the dams; however, this effect would diminish with distance from the reservoirs as the river receives runoff from drainage areas downstream. A reservoir spill mitigation program would not stop flooding, either in the tailwaters or the main stem. A comprehensive set of local and regional measures is needed to reduce flood vulnerability and loss.

At its September 27th business meeting, the Commission will also consider development of a comprehensive basin-wide flood mitigation plan. In addition to addressing reservoir operations at more than a dozen reservoirs throughout the Basin, such a plan would address stormwater management, open space and farmland preservation, floodplain regulations, and other potential non-structural flood mitigation measures. If approved, the interim spill mitigation measures contemplated for the Basin's New York City reservoirs would move forward simultaneously with development of the more comprehensive flood mitigation plan. The Commission is currently assembling needed funds for the latter effort.

The Commission's authority to undertake spill mitigation and flood protection measures, both interim and long-term, derives from the *Delaware Basin Compact*, an interstate and federal statute enacted through concurrent legislation of the States of Delaware, New Jersey, New York, and Pennsylvania and the United States Congress in 1961. The *Compact* gives the Commission broad authority to manage the water resources of the basin for multiple purposes, including water supply, pollution control, flood control, watershed management (including the protection of fish and wildlife), recreation, power generation, and water allocation.

In light of a judicial decree by the U.S. Supreme Court in 1954, which apportioned the waters of the basin among the various states and New York City, the Commission must obtain the unanimous consent of the decree parties in order to take any action that would impair, diminish, or otherwise adversely affect the diversions, compensating releases, rights, conditions, and obligations established by the decree. The decree parties include the four basin states and

New York City. In addition to the constraints imposed by the decree on any Commission action affecting the New York City Delaware Basin reservoirs, the Commission must consider potential impacts on its other resource management objectives in evaluating interim and long-term reservoir operating plans. These objectives include the protection of vital water supplies and aquatic ecosystems that today rely on the availability of stored water.

In light of the main stem floods of September 2004, April 2005, and June 2006, which followed a period of nearly 50 years without any widespread main stem flooding, the Commission is making every effort to obtain additional resources to accelerate development of a basin-wide comprehensive flood mitigation plan.

Hearing Date, Time and Location

The Commission will hold a public hearing on interim spill mitigation alternatives at the New York City Delaware Basin reservoirs, considered in the context of more comprehensive reservoir and flood mitigation planning efforts, during its regularly scheduled business meeting on **Wednesday, September 27, 2006 at 1:30 p.m.** The meeting will be held at the Commission's office building, located at **25 State Police Drive in West Trenton, New Jersey**. Directions are available on the Commission's web site at www.state.nj.us/drbc/drbcloc.htm. Please do not rely on MapQuest, which has furnished unreliable directions in the past. Check the Commission's web site, www.drbc.net, for the latest agenda and additional postings, if any, prior to September 27th.

For More Information

A meeting of the Commission's Regulated Flow Advisory Committee (RFAC) will be held on Tuesday, September 19, 2006 at 10:00 a.m. at the West Branch Angler Resort in Deposit, New York. Spill mitigation at the New York City Delaware Basin reservoirs will be one of the topics discussed. Directions are available on the resort's web site at westbranchresort.com/directions.html. The agenda for the RFAC meeting is posted on the Commission's web site, www.drbc.net. Please check the web site for agenda updates or additional postings, if any, prior to September 19th.

Please contact the Commission Secretary and Assistant General Counsel, Pamela Bush, with any questions about the upcoming meeting. Ms. Bush can be reached at 609-883-9500 ext. 203.

If You Plan to Comment

If you plan to offer testimony during the public hearing, please contact Ms. Paula Schmitt by email at paula.schmitt@drbc.state.nj.us or by telephone at 609-883-9500 ext. 224. The Commission will accept written testimony until the close of the hearing, but we request that written comments be submitted no later than noon on Friday, September 22nd to give the commissioners an opportunity to review them in advance. Comments may be submitted to Ms. Schmitt by email or by fax to 609-883-9522. All comments should include the commenter's name and address. Emailed comments should state "Hearing Comments" in the subject line.

Pamela M. Bush, Esquire
Commission Secretary
September 15, 2006