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## NYC DEP Statement on Delaware River Negotiations and Expiration of the Flexible Flow Management Program

The New York City Department of Environmental Protection today issued the following statement from Acting Commissioner Vincent Sapienza:

*“New Jersey’s decision to let a successful Flexible Flow Management Program (FFMP) expire will harm the Delaware River Basin. By forcing the Decree Parties to revert back to a flow program developed in 1983, New Jersey has effectively threatened programs that enhance flood protection and provide additional cold water downstream for the benefit of world-class fishing, boating and other river tourism. Coincidentally, the 1983 program will also reduce the amount of drinking water New Jersey is permitted to take from the Delaware River during all stages of drought.*

*“This week, New York City signed a document to renew the FFMP. New Jersey did not. Because a renewal required unanimous consent of all five parties, the flow program for the Delaware River reverted at midnight to the last permanent program, known as Revision 1, which was developed 34 years ago without the benefit of modern science and modeling.*

*“It’s no secret that the Decree Parties have been frustrated by years of stagnant negotiations. Anglers, riverside residents and other stakeholders have also been frustrated—and they have every right to feel that way. The issues before the Decree Parties are serious and complex. They include how much drinking water will be available during droughts, how to combat the northward advancement of salt water in the lower Delaware River as climate change induces sea-level rise, and how to design programs that support recreation and flood protection.*

*“Earlier this year, New York City presented a proposal to update the FFMP and advance the interests of every state and every stakeholder group—including our neighbors in New Jersey. That proposal was the product of two years of work by scientists and engineers. The Decree Parties will need time to examine, discuss and adjust our proposal while countering with ideas of their own. They will also need to revive the spirit of cooperation that existed between them for decades.*

*“New York City remains committed to that effort. The FFMP was far better for the river, local businesses and water suppliers than any program that came before it. We hope to collaborate with the Decree Parties to build upon that progress rather than moving backward.”*

**Background information:**

Flow management programs for the Delaware River are created upon unanimous agreement by the states of Delaware, New Jersey, New York, Pennsylvania and New York City. These five—known as the Decree Parties—were given that responsibility under terms of a 1954 decree by the U.S. Supreme Court.

The most recent program, known as the Flexible Flow Management Program (FFMP), was collaboratively created by the parties in 2007 and first implemented

**More Information**

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in 2008. It has been renewed by all five Decree Parties on an annual basis for the past five years.

The FFMP takes advantage of an advanced modeling tool built and managed by the New York City DEP. The tool, called the Operations Support Tool (OST), incorporates advanced runoff forecasts, streamflow and snowpack measurements, drinking water demand, operational rules and other data. The advanced modeling tool allowed the Decree Parties to design the FFMP by accounting for the drinking water needs of New York City and releasing downstream any excess water from its three reservoirs on the headwaters of the Delaware River.

As a result, the FFMP resulted in the release of more cold water throughout the year than any flow management programs that came before it. This additional water released downstream helped to support the cold-water trout fishery that attracts an estimated \$10 million in annual economic activity to Delaware River communities, and it also supported boating and other tourism activities along the river. The FFMP was also the first flow management program to include void space in the reservoir to enhance the downstream flood protection that is already provided by the dams. The program required a 10 percent void in New York City's three Delaware basin reservoirs from October-March.

The FFMP also allowed New Jersey to draw additional drinking water from the Delaware River during the three stages of drought. New Jersey's diversion under FFMP increased from 85 mgd to 100 mgd during drought watch, from 70 to 100 mgd during drought warning, and from 65 to 85 mgd during drought emergency.

The release of cold water, provisions for enhanced flood protection, and drought diversions for New Jersey made the FFMP a much better and more fair flow management program than any agreement that came before it.

The Decree Parties have continued to negotiate changes and improvements to the FFMP during the past several years. Because no unanimous agreements could be reached, the five parties have agreed in the past to extend the FFMP annually.

However, this year New Jersey chose not to sign a one-year extension while the Decree Parties continue to negotiate a longer-term program. The FFMP is not allowed to continue without unanimous agreement by all five parties. As a result, the FFMP (paragraph 21) requires that the Decree Parties revert to "Revision 1," a flow program that was designed and implemented in 1983. Revision 1 provides significantly lower downstream releases, does not include a program for flood protection, and it permits New Jersey to draw less water from the river during the three stages of drought.

DEP manages New York City's water supply, providing more than 1 billion gallons of high-quality water each day to more than 9.5 million New Yorkers. This includes more than 70 upstate communities and institutions in Ulster, Orange, Putnam and Westchester counties who consume an average of 110 million total gallons of drinking water daily from New York City's water supply system. This water comes from the Catskill, Delaware, and Croton watersheds that extend more than 125 miles from the City, and the system comprises 19 reservoirs, three controlled lakes, and numerous tunnels and aqueducts. DEP has nearly 6,000 employees, including almost 1,000 scientists, engineers, surveyors, watershed maintainers and other professionals in the watershed. In addition to its \$70 million payroll and \$166 million in annual taxes paid in upstate counties, DEP has invested more than \$1.7 billion in watershed protection programs—including partnership organizations such as the Catskill Watershed Corporation and the Watershed Agricultural Council—that support sustainable farming practices, environmentally sensitive economic development, and local economic opportunity. In addition, DEP has a robust capital program with \$20.7 billion in investments planned over the next 10 years that will create up to 3,000 construction-related jobs per year. For more information, visit [nyc.gov/dep](http://nyc.gov/dep), like us on [Facebook](#), or follow us on [Twitter](#).