



Upper Delaware Council

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HON. JACK A. MARKELL, CHAIR
DELAWARE RIVER BASIN COMMISSION
TATNAL BUILDING
WILLIAM PENN STREET, 2ND FL.
DOVER DE 19901

RE: Delaware River Water Release Plan

Dear Governor Markell,

The Upper Delaware Council (UDC) is the non-profit organization responsible for the coordinated implementation of the 1986 River Management Plan for the Upper Delaware Scenic and Recreational River, a component of the National Wild and Scenic Rivers System. Our voting members are the two states (NY and PA) and 13 local governments (NY Towns and PA Townships) which border on the Upper Delaware River. The Delaware River Basin Commission (DRBC) is a non-voting member. We operate under a direct contractual relationship with the National Park Service (NPS) for the oversight, coordination and implementation of many elements of the River Management Plan.

Congress recognized the Upper Delaware River as a national treasure to be protected for the benefit and enjoyment of present and future generations; this council joined as a partner in that mission. The River Management Plan requires the Upper Delaware Council to maintain or improve the existing quality of water and recreational opportunities on the Delaware River.

The current water release plan, known as the Flexible Flow Management Program (FFMP), is set to expire in May 2011. FFMP replaced a series of Revisions (Revision 1 through Revision 10) to the original Supreme Court decree. The UDC supported FFMP as a stepping stone to continued improvement in release protocol for the Delaware River.

Working together to conserve the Upper Delaware Scenic and Recreational River

*Town of Hancock - Town of Fremont - Town of Delaware - Town of Cochecton - Town of Tusten - Town of Highland
Town of Lumberland - Town of Deerpark - Damascus Township - Berlin Township - Lackawaxen Township - Shohola Township - Westfall Township
State of New York - Commonwealth of Pennsylvania - Delaware River Basin Commission - In partnership with the National Park Service*

After careful consideration, we recommend the following for the new protocol for water releases in the Delaware Basin:

1. Make more water available to increase minimum conservation release levels and provide flood mitigation.
2. Base availability on NYC estimated actual consumption, rather than on a worst case maximum legal NYC diversion.
3. Fix the directed release induced “yo-yo” releases.
4. PPL water releases from Lake Wallenpaupack should not be counted towards the Montague flow target under certain circumstances to help maintain adequate flow and temperature conditions in the Delaware River above the confluence with the Lackawaxen River.
5. There should be a targeted flow and temperature river gage at Callicoon, or further up-river on the Main Stem of the Delaware River, to help ensure habitat protection for the Upper Delaware Scenic and Recreational River.
6. NYC should fix the leaks in their aqueduct system as that water could be better used to help supplement flows in the Delaware River.

The “White Paper”

(http://www.fish.state.pa.us/water/rivers/delaware/dela_flex_flow.pdf) produced by NYSDEC and PA Fish and Boat Commission suggest a release policy that would be a significant next step in improving releases on the Delaware. It suggests several elements that are strongly supported by the UDC:

1. Its increased summer releases improve the protection of cold water fisheries and habitat on the upper rivers.
2. Its increased winter releases protect river bottom from dewatering or freezing, thus protecting macroinvertebrates and developing fish larva.
3. Its increased releases produce larger end of summer reservoir voids, thus providing increases in modest flood protection entering hurricane season.

An ideal new Delaware release system would also incorporate some of the best features of previous revisions. Two notable inclusions should be a “habitat bank” of water to be used for unforeseen circumstances, particularly during summer months. If this bank of water is not needed through the summer it can simply be added to base winter releases thus assuring bank water is put to good use and not just left in the reservoir to go down river as unregulated and uncontrolled spills. The second feature that should be included in the new release plan is a simple set of minimum flow targets on the upper rivers.

Sincerely,

William E. Daugler

for Harold Roeder, Jr.
Chairperson

cc: Hon. David A. Paterson, NYS Governor
Hon. Charles Schumer, US Senator NYS
Hon. Kirsten Gillibrand, US Senator NYS
Hon. Maurice Hinchey, Jr., US Congressman, 22nd District NYS
Hon. John Hall, US Congressman, 19th District NYS
Hon. John Bonacic, NYS Senator, 42nd District
Hon. Aileen Gunther, NYS Assemblywoman, 98th District
Hon. Clifford W. Crouch, NYS Assemblyman, 107th District
Hon. Edward G. Rendell, PA Governor
Hon. Arlen Specter, US Senator, PA
Hon. Robert P. Casey, US Senator, PA
Hon. Christopher Carney, US Congressman, 10th District PA
Hon. Lisa Baker, PA State Senator, 20th District
Hon. Michael T. Peifer, PA Representative, 139th District
Hon. Sandra J. Major, PA Representative, 111th District
Brigadier General Peter A. DeLuca, US Army Corps of Engineers
Hon. Chris Christie, NJ Governor
Carol Collier, Executive Director, Delaware River Basin Commission
Peter Iwanowicz, Acting Commissioner, NYS DEC
William Janeway, Regional Director, NYS DEC Region 3
Gene Kelly, Regional Director, NYS DEC Region 4
William Rudge, NYS DEC Region 3 & UDC Representative NYS
Michael Flaherty, NYS DEC Region 3 & UDC Alternate NYS
Dennis DeMara, PA DCNR & UDC Representative PA
Gary N. Paulachok, Deputy Delaware River Master, USGS
Mayor Michael R. Bloomberg, City of New York
Caswell F. Holloway, Commissioner, NYC DEP
Sean McGuinness, Superintendent, National Park Service-Upper Delaware
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