



Delaware River Basin Commission
P.O. Box 7360
25 State Police Drive
West Trenton, NJ 08628
Tel. (609) 883-9500
FAX (609) 883-9522
E-mail: croberts@drbc.state.nj.us
Web: <http://www.state.nj.us/drbc/>

Delaware River Basin Commission
ANNUAL REPORT 1997

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This report has a unifying theme—flowers. Flowers that, wild or cultivated, native or imported, are now indigenous—though not limited—to the Delaware River Basin. Our cover illustration is the Cardinal Flower (*Lobelia cardinalis*), a tall, vividly and uniquely scarlet wild flower found blooming from late July to September in wet areas and along stream banks throughout the Basin. A flower also introduces each of the report's four main sections. These four flowers are the official state flowers of the four Compact states: Delaware (peach blossom), New Jersey (violet), New York (rose), and Pennsylvania (mountain laurel).

The report covers calendar year 1997. It was published in the summer of 1998. Christopher M. Roberts, the Commission's public information officer, defined and compiled the report. Brennan Partners, Inc., New York, N.Y., and The Communications Collective, Bethesda, Md., edited and produced it. The Commission secretariat generated material for the report.

Free copies are available from the Commission at P.O. Box 7360, West Trenton, N.J., 08628 (phone: 609-883-9500, ext. 205; e-mail: croberts@drbc.state.nj.us; World Wide Web: <http://www.state.nj.us/drbc/>).

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The cover photograph (Cardinal Flower) was taken by Michael Hogan, as was the photo on pages 4–5 (violet). The photograph on pages 2–3 (loosestrife) was taken by D. Andrew Hornberger, as were those on pages 14–15 (mountain laurel), 18, 24, and 28.

Page 13: Thomas L. Fikslin. Pages 8–9, 16, and 36: Robert L. Limbeck. Page 21 (top): Peter Weber. Pages 21 (middle and bottom), 38, and 39: Christopher M. Roberts. Pages 30–31: Peter J. Brennan. Page 32: Jan Huff. Page 34: Kathy Wannemacher. Page 35: Sarah Ruppert. Page 37: Warren Huff. Pages 40–41 (peach blossoms): Courtesy of Delaware Tourism Office.

Report of the EXECUTIVE DIRECTOR

Participation Without Funding

It was 1773 when the people of Boston became quite irate with the English Parliament, which taxed oceanic trade with no input from American residents. “Taxation without representation” culminated in the famous Boston Tea Party.

Our U.S. Congress has produced the antithesis of that Boston Tea Party. Over the past two fiscal years ('97 and '98), Congress has failed to appropriate a single dollar towards the Commission's operating budget. However, it still retained federal membership on the Commission where it enjoys an equal vote along with Delaware, New Jersey, New York, and Pennsylvania; and reaps considerable dollar benefits from Commission operations. One might say the U.S. government has representation without taxation. Clearly, it has representation without funding participation.

After 35 years of paying its “fair share” contribution, which has been roughly 20 percent of the Commission's operating budget, why the Congressional change in attitude? We believe it may have stemmed from a misleading report by the

Heritage Foundation, which recommended to Congress that the federal government cease funding the three river-basin agencies—Delaware, Potomac, and Susquehanna.

The Heritage Foundation actually targeted 130 independent agencies for defunding. The cutting of certain specialized, perhaps outdated, organizations is laudable. Several, for example, exist only to honor a past political or military hero. However, it is difficult to compare the usefulness and financial benefit of such organizations with those of a comprehensive water management agency created by acts of Congress and four state legislatures. After all, the Delaware River Basin Compact is a solemn agreement among five sovereigns, and not merely a single-purpose piece of legislation.

The Heritage Foundation report concluded that:

- The benefits of the Commission's activities accrue mostly to states in the river basin;
- If those benefits are deemed valuable, then contiguous states should fund the program in its entirety;

- There is no reason for federal taxpayers to fund costly programs of strictly regional interest and benefit;
- Such programs invariably become vehicles for pork barrel spending; and
- To the extent that there are pressing and river-basin issues of national concern, existing programs and resources of the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers would be sufficient to meet them.

It is true that the Commission's programs do benefit the states, which do continue to pay their fair shares. However, the federal treasury also benefits, having saved tens of millions of dollars because of DRBC actions. The Commission served as the nonfederal sponsor of the Port Jervis Ice Jam Flood Control project. The Corps would not have built the project absent the DRBC's coordination of 10 disparate political units. Nine months after project completion, it prevented a

possible massive ice jam that would have resulted in a \$150- to \$200-million federal bailout. The flow at that time was the second-highest in recorded history, and the river was choked with ice.

A 1954 U.S. Supreme Court decree apportioned the waters of the Delaware between New York State/City and the three down-Basin states. The DRBC has temporarily modified that decree over 20 times with the unanimous consent of the five parties to that decree without going back to court. Such mediation not only has saved the states millions of dollars in litigation fees, but also has saved the United States court system significant costs. It has been reported that Nebraska and Kansas have spent over \$12 million in litigation squabbles over the North Platte River in the past three years. By contrast, there hasn't been a suit in the federal courts between the four Basin states over water matters during the DRBC's 36 years of operation.

Over the past 10 years, the DRBC has approved over 1,200 projects whose construction costs totaled about \$4.5 billion. These projects have boosted the economies in the region. Our approach is that you can have *both* economic development and water resource protection.

Environmentally safe development has occurred because of the even-handed regulations promulgated by our five-member Commission. Commission approvals are based upon the Basin Water Code, which is part of our Comprehensive Plan.

Millions in *avoided* federal tax revenue loss have resulted because of the operation of DRBC's emergency water allocation authority. During our most recent drought emergency, a major chemical manufacturer relied upon the Commission for emergency relief, avoiding a plant shutdown. Several other major water users were given emergency approval during that period. Imagine the corporate and individual tax revenue loss to the federal treasury if 2,800 employees from just one plant were idle for one month.

Often, federal agencies, such as the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the National Park Service, rely upon the DRBC to perform special projects for them because it's quicker and less expensive than going elsewhere.

Pork barrel? This is a ludicrous accusation. We do participate in two

projects, Beltzville and Blue Marsh Reservoirs, whose construction and operation bring jobs, federal money, and drought protection to the region. However, on these projects we repay the U.S. government 100 percent of the principal, interest, and operation and maintenance costs. And, we've never missed a payment.

Neither the EPA nor the Corps of Engineers can allocate surface and ground water. That is left to the states or interstate agencies, such as the DRBC. Neither the EPA nor the Corps establishes water quality standards. That again is a state or empowered interstate agency function. In summary, the five-point conclusion of the Heritage Foundation was *totally* incorrect as a matter of facts.

How may we reverse this funding crisis? All eight U.S. Senators representing the Basin states as well the states' 30 Congressional Representatives are on record in support of federal funding of the DRBC. All four governors and our Congressional leaders must increase their efforts to reinstate funding for the Commission. Then it is to be hoped that the federal government will once again assume its rightful place, mandated by the Delaware River Basin Compact, as a full funding partner.

