KEY TO PROPOSED FFMP WATER CODE AMENDMENTS

An outline of Section 2.5.3 of the *current* (un-amended) Water Code follows:

2.5.3 Schedule of Phased Reductions in Diversions, Releases and Flow Objectives During Drought
- A. Criteria Defining Conditions
- B. Schedule of Reductions
- C. Diversion Allowances and Release Requirements
- D. Computation of Diversions
- E. Effective Period for Drought Operating Schedule

The outline for Section 2.5.3 *as proposed* follows:

2.5.3 FLEXIBLE FLOW MANAGEMENT PROGRAM

- A. Program Established
- B. Criteria for Program Modification
- C. Diversions
- D. Flow Objectives
- E. Releases
- F. DROUGHT MANAGEMENT
- G. Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP)
- H. FFMP Evaluation, Monitoring and Reporting
- I. Temporary Suspension or Modification in Case of Emergency
- J. Effective Date; Expiration

A change to the title of Section 2.5.4 is proposed. However, no other change is proposed to the outline of sections 2.5.4 through 2.5.6, as set forth below:

2.5.4 Drought Emergency Declaration ~~Drought Emergency Actions~~

2.5.5 Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought

2.5.6 Coordinated Operation of Reservoirs During a Lower Basin Drought Warning and Drought

Changes to the outline and organization are proposed to make DRBC's regulations relating to operation of the New York City Delaware Basin reservoirs more comprehensive, to incorporate into the regulations conditions formerly included only in DRBC dockets, and to follow to the extent possible and appropriate the outline of the Decree Parties' agreement dated September 26, 2007. Accordingly, the portions of *current* sub-sections 2.5.3 A. through D. that relate to normal operating conditions are included in *proposed* sub-sections 2.5.3 C. through E. (entitled "Diversions", "Flow Objectives" and "Releases", respectively). Provisions of current Water Code sections 2.5.3 A. through E. that relate to operation of the New York City reservoirs during drought are proposed to be placed in amended Sub-section 2.5.3 F., Drought Management (see proposed sub-sections 2.5.3 F.1. through 2.5.3 F.3). The provisions of current sub-section 2.5.3 E., which establish the triggers and duration of certain drought operating conditions, are proposed to be placed in amended Sub-section 2.5.3 F.4.

Paragraphs printed in black in Section 2.5.3 of the proposed regulations (paragraphs 2.5.3 F.3.a. through c. and 2.5.3 F.4.a. through e.) very closely track paragraphs in Section 2.5.3 of the current regulations. The balance of the text of the proposed amendments to Section 2.5.3 appears in blue. The Notice of Proposed Rulemaking dated December 3 summarizes the changes that the amendments would make to operation of the New York City Delaware Basin reservoirs. The notice identifies departures from the Supreme Court Decree of 1954 and departures from previous DRBC dockets and regulations.

Proposed changes to Sections 2.5.4 through 2.5.6 of the Water Code are shown in red.

2.5.3 FLEXIBLE FLOW MANAGEMENT PROGRAM

A. Program Established

1. A Flexible Flow Management Program (FFMP) is hereby established, whereby diversions and releases from the New York City Delaware Basin reservoirs provided for by the Supreme Court Decree in the matter of *New Jersey v. New York,* 347 U.S. 995, 74 S. Ct. 842 (1954) (referenced elsewhere in these Regulations as "the Decree") shall be implemented as herein amended with the following objectives: to provide safe and reliable supplies of water from the Delaware River Basin to the more than 17 million people who depend upon this water source; to provide flows to help control temperatures in the tailwaters to help sustain cold water fisheries; to assist in mitigating the impacts of flooding; and to provide freshwater flows to the main stem and bay to help protect ecological health, withdrawal and non-withdrawal uses and repel salinity.

2. The FFMP shall be comprised of Section 2.5.3 of these regulations and the revisions to other Sections of the Water Code adopted simultaneously for consistency with Section 2.5.3.

B. **Criteria for Program Modification.** Criteria to be considered by the DRBC in evaluating proposed modifications to the FFMP shall include but shall not be limited to the following (without any particular priority):

1. Decree Party equity
2. Net benefits and costs to environmental and economic resources
3. Source and sustainability of water available to support the proposed modification
4. Habitat types—with naturally-occurring habitats receiving consideration over man-made habitats
5. Scientific basis for modification
6. Implications for drought management, water supply and flood mitigation, including but not limited to impacts on: 1) frequency, duration and seasonal timing of the various drought operating conditions; and 2) frequency and duration of changes to levels of storage, diversions, releases and flows
7. Extent to which the diversions and the minimum basic rate of flow at Montague, New Jersey established by the Decree are met
8. Potential impacts on water quality, including effect on water quality standards, national and state pollutant discharge elimination system permits issued in accordance with the Clean Water Act, DRBC dockets, wasteload allocations, assimilative capacity of the Delaware River and ecological health
9. Ease and practicability of operation
10. Consistency with adaptive management principles
11. Applicability and implementation of water conservation practices
12. Impacts on salinity

C. **Diversions**

1. **City of New York**

a. In accordance with Paragraphs III.A.3 and III.A.4. of the Decree, and subject to the limitations set forth in these regulations, the City may divert the equivalent of 800 million gallons per day (mgd), to be computed such that "[a]t no time during any twelve-month period, commencing June 1, shall the aggregate total quantity of water diverted [by the City], divided by the number of days elapsed since the preceding May 31, exceed [800 million gallons per day (mgd)]."

b. In accordance with Paragraph III.B. of the Decree, diversions by the City of New York from the Delaware River shall be made under the supervision and direction of the Delaware River Master.

2. **State of New Jersey**

a. In accordance with Paragraph V.A. of the Decree, and subject to the limitations set forth in these regulations, "[t]he State of New Jersey may divert outside the Delaware River watershed, from the Delaware River or its tributaries in New Jersey, without compensating releases, the equivalent of 100 m.g.d. . . . ."

b. In accordance with Paragraph V.B. of the Decree, diversions by New Jersey from the Delaware River shall be made under the supervision of the Delaware River Master.

c. In addition to the limitations on New Jersey's diversion established by these Regulations for periods of drought, the State's diversion shall be subject to the conditions and obligations set forth in Paragraphs V.B.1.through V.B.3. of the Decree, as modified in accordance with Sections 2.5.3 C.2.d. and e. immediately below.

d. Until the State of New Jersey builds and utilizes one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diverting the same to another watershed, or purchases or leases reallocated water or new storage from an existing or new storage facility, the State of New Jersey diversion may not exceed 100 mgd as a monthly average, with the diversion on any day not to exceed 120 million gallons.

e. In accordance with Paragraph V.B.2. of the Decree, "[i]f and when the State of New Jersey has built and is utilizing one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diversion to another watershed, it may withdraw water from the Delaware River or its tributaries into such impounding reservoirs without limitation except during the months of July, August, September and October of any year, when not more than 100 m.g.d. as a monthly average and not more than 120 million gallons in any day

shall be withdrawn." This restriction may be modified upon unanimous consent of the Decree Parties should the State of New Jersey purchase or lease reallocated water or new storage from an existing or new facility.

f. In accordance with Paragraph V.B.3. of the Decree, "[r]egardless of whether the State of New Jersey builds and utilizes storage reservoirs for diversion, its total diversion for use outside of the Delaware River Basin without compensating releases shall not exceed an average of 100 m.g.d. during any calendar year."

D. Flow Objectives

1. Montague Flow Objective

a. The City of New York shall release water from one or more of the City's Delaware Basin reservoirs in quantities designed to maintain a minimum basic rate of flow (or "flow objective") at the gaging station of the United States Geological Survey (U.S.G.S.) at Montague of 1,750 cubic feet per second (cfs) in accordance with Paragraph III.B.1.(b) of the Decree during basinwide normal operating conditions. Provided, however, that during the period from June 15 through September 15 annually during normal operating conditions, the Montague flow objective shall be elevated to 1,850 cfs, to the extent that this objective is supported by releases from the Interim Excess Release Quantity (IERQ), as defined in Section 2.5.3 E.2. below.

b. In accordance with Paragraphs III.B.1.(b) VII.B.2. and VII of the Decree, releases from the City's Delaware Basin reservoirs to maintain the Montague Flow Objective shall be as directed by the River Master. Such releases shall be referred to as "directed releases."

c. In evaluating alternatives to the Montague Flow Objective, the Commission shall consider the availability of increased storage and the impact of such alternatives on the Trenton Flow Objective.

2. Trenton Flow Objective

a. The minimum basic rate of flow at the gaging station of the U.S.G.S. at Trenton, New Jersey (or "Trenton Flow Objective") when both basinwide[1] and lower basin[2] operating conditions are normal shall be 3,000 cfs.

[1] The terms "basinwide operations" and "basinwide operating conditions" refer to reservoir operations determined by combined storage levels in the three New York City Delaware Basin reservoirs, as set forth in Figure 1.

[2] The terms "lower basin operations" and "lower basin operating conditions" refer to operations as set forth in Section 2.5.6. of these regulations.

b. Reservoir releases required to maintain the Trenton Flow Objective during basinwide normal operating conditions shall be made from the City's Delaware Basin reservoirs in accordance with Sections 2.5.3. E.2. and Section 2.5.6. below, and from Commission storage in the Beltzville and Blue Marsh reservoirs in Pennsylvania.

c. IERQ releases from the City's Delaware Basin reservoirs in accordance with Section 2.5.3 E.2. below to maintain the Trenton Flow Objective during basinwide normal operating conditions shall be in such quantities and at such times as determined by the Delaware River Basin Commission and directed by the Delaware River Master.

d. Releases of stored water to maintain the Trenton Flow Objective at times other than during basinwide normal operating conditions shall be in accordance with the priorities established in Sections 2.5.5 and 2.5.6 of these regulations.

E. Releases

1. **Tailwater Habitat Protection and Discharge Mitigation Program.** In order to protect the ecology of the tailwaters below the City of New York's Delaware Basin reservoirs, including water quality and fishery habitat, as well as to help mitigate the impacts of flooding immediately below these reservoirs and support recreational uses, the City shall release water from the three reservoirs in accordance with the Tailwater Habitat Protection and Discharge Mitigation Program (THP-DMP), set forth in Section 2.5.3 G. of these Regulations.

2. **Interim Excess Release Quantity (IERQ)**

   a. For the period commencing with the effective date of these regulations and ending May 31, 2011 unless extended in accordance with Section 2.5.3 J.2. below, the "excess quantity" (also referred to as the "Excess Release Quantity" or ERQ) defined by Paragraphs III.B.1.(c) and (d) of the Decree shall be used in support of an "Interim Excess Release Quantity" (IERQ), in accordance with this Section 2.5.3 E.2.

   b. The quantity of water to be provided annually by the City of New York for the IERQ during the period set forth in the preceding paragraph unless extended in accordance with Section 2.5.3 J.2. below, shall be fixed at 15,468 cfs-days, except that during any leap year the quantity shall be 17,125 cfs-days. For 365 and 366-day years respectively, these sums are equal to 83 percent of the difference between the highest annual consumption reported for the New York City water supply system during water years 2002 through 2006 (or 458,805 mg) and the City's estimate in 2007 of the continuous safe yield of the City water supply system obtainable without pumping (or 1,290 mgd multiplied by either 365 days or in a leap year, 366 days).

c. The IERQ shall be released for purposes of:

i. elevating the Montague Flow Objective from 1,750 cfs to 1,850 cfs annually during basinwide normal operations for the period from June 15 through September 15; and

ii. maintaining the Trenton Flow Objective of 3,000 cfs during basinwide normal operations for the period from June 15 through March 15.

d. The IERQ may be released for the additional purposes of:

i. establishing an Interim Excess Release Quantity Extraordinary Needs Bank in accordance with Section 2.5.3 E.3., below; and

ii. supplementing the quantity of water provided by New York City in a given year for THP-DMP releases in accordance with Section 2.5.3 G., if the quantity of water provided by the City is less than 35 mgd.

e. The City of New York shall release the IERQ during basinwide normal operating conditions at rates designed to maintain a minimum flow at Montague of 1,850 cfs for the period commencing annually on June 15 and continuing through September 15 and a minimum flow at Trenton of 3,000 cfs during basinwide normal operating conditions for the period commencing on June 15 and continuing through March 15. The latter period shall be referred to as the "seasonal period." In releasing the IERQ, the City shall not be required to release water at rates exceeding the capacity of its release works. The City shall in each seasonal period continue its interim excess releases until the aggregate quantity of the releases from the IERQ is equal to the total specified in Section 2.5.3 E.2.b. above.

3. **Interim Excess Release Quantity Extraordinary Needs Bank.** The Commission, with the unanimous consent of the Decree Parties, may at any time place all or a portion of the available IERQ in an Interim Excess Release Quantity Extraordinary Needs Bank to help support research, aquatic life or any other water use approved by the Commission. Any quantity of water so banked shall be released in accordance with the defined use in a manner approved by the Commission and the Decree Parties, and shall be deducted from the IERQ otherwise available for release.

F. DROUGHT MANAGEMENT

1. Drought Operating Conditions

a. In accordance with **Figure 1** and as defined by three drought management curves depicted therein, three drought operating conditions – "drought watch," "drought warning" and "drought emergency"– are established, based upon specified combined storage levels in the City of New York's three Delaware Basin reservoirs – Cannonsville, Pepacton and Neversink. Figure 1 defines five zones of combined reservoir usable storage relative to the normal and drought management storage levels. The storage level corresponding to normal operations is divided into two zones – L1 and L2 – and the drought management curves delimit Zones L3 through L5.

b. The three drought operating conditions shall be used in conjunction with other provisions of these Regulations to determine:

- the maximum allowable diversions from the basin by the City of New York and the State of New Jersey;
- the minimum rates of flow to be maintained in the main stem Delaware River at the U.S.G.S. gaging stations at Montague and Trenton; and
- the releases to be made from each of the City's three Delaware Basin reservoirs in accordance with the THP-DMP set forth in Section 2.5.3 G., below.

2. Reduced Diversions and Flow Objectives During Drought Operations

a. Out-of-basin diversions by the City of New York and the State of New Jersey and flow objectives at the Montague and Trenton U.S.G.S. gaging stations shall be reduced incrementally during drought watch, drought warning and drought emergency operations (collectively, "drought operations") in accordance with **Table 1** and Section 2.5.3 F.4 below, to conserve water.

b. The Montague flow objective shall vary during basinwide drought emergency operations with the time of year, and the Trenton flow objective shall vary during basinwide drought emergency and during lower basin drought warning and drought emergency (defined in Section 2.5.6. below) with both the time of year and the location of the "salt front," defined as the upstream location in the Delaware Estuary at which the seven-day average chloride concentration equals 250 mg/l as provided in **Table 1**. Within the ranges set forth in Table 1, the Montague and Trenton flow objectives shall be adjusted in accordance with the specific values set forth in **Table 2**.

c. Nothing in these Regulations shall affect the Commission's authority pursuant to Section 3.3(a) of the Compact to take action to address an emergency condition.

3. Computation of Diversions During Drought Operations *(Resolutions Nos. 83-13 and 2007-__)*

a. Daily Running Average. Diversions by the City of New York and State of New Jersey set forth in Table 1 during drought watch, drought warning, and drought emergency operations shall in each case be computed as a daily running average, commencing on the day such operations become effective.

b. Unused Diversion. If during any drought operating period the allowable diversion is not fully used, the unused portion may not be credited or used during subsequent periods.

c. Resumption of Normal Operations. Upon the resumption of normal operations following any period of drought operations, diversions by the City of New York and the State of New Jersey shall in each case be computed as daily running averages commencing upon the date of return to normal operations.

d. Balancing Adjustment. In order to conserve water, the River Master is requested to utilize a balancing adjustment, based upon procedures agreed upon by the Decree Parties, when calculating the releases to be directed to meet the Montague flow objectives in Tables 1 and 2. Additionally, during drought watch, warning, and emergency, the amount of the conservation releases from the City's Delaware Basin reservoirs that is greater than the basic conservation release rates as set forth in Table 1 of Docket D-77-20 CP (Revised) shall be considered directed releases for the purpose of calculating the balancing adjustment.

4. Triggering Conditions and Duration of Reduced Diversions and Flow Objectives

a. The schedule of diversions and streamflow objectives for **drought watch** operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought watch line defined in Figure 1 and remains below that line for five consecutive days.

b. The schedule of diversions, and streamflow objectives for **drought warning** operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought warning line defined in Figure 1 and remains below that line for five consecutive days.

c. The schedule of diversions, and streamflow objectives for **drought emergency** operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought emergency line defined in Figure 1 and remains below that line for five consecutive days.

d. When the combined storage in the City's Delaware Basin reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallons above the drought watch line defined in Figure 1 and remains at or above that level for 5 consecutive days, normal diversions and flow objectives as set forth in Table 1 shall resume.

e. Pursuant to Section 3.3(a) of the Compact, the Parties to the U.S. Supreme Court Decree in New Jersey v. New York, 347 U.S. 995 (1954), have given their unanimous consent to adoption and implementation by the Commission of the drought operation schedules provided in this section. The Parties have agreed that drought operations will go into effect automatically, and be binding on parties for not less than 180 days following the triggering of drought watch operations, unless terminated automatically by improved storage conditions as provided in the preceding paragraph. During the 180-day period following triggering of drought watch operations, authorized representatives of the City of New York, States of Delaware, New Jersey, and New York, and Commonwealth of Pennsylvania, as parties to the U.S. Supreme Court Decree, shall convene no less frequently than once each month to review current conditions, and they may extend, modify, or extend as modified the schedules provided in this section. If no unanimous agreement as to a continuing drought operation formula is reached within the 180-day period, all Parties shall be released from the terms of the formula and schedules and may pursue their rights and obligations under the Delaware River Basin Compact and the U.S. Supreme Court Decree.

5. **THP-DMP Releases During Drought.** Provisions relating to THP-DMP releases under normal and drought conditions are set forth in Section 2.5.3 G., below.

6. **Drought Emergency Actions.** Provisions relating to Drought Emergency actions by the Commission in accordance with Section 3.3 of Article 10 of the Delaware River Basin Compact are set forth in Section 2.5.4 of these regulations.

7. **Operation of Lower Basin and Hydroelectric Reservoirs During Basinwide Drought.** Provisions relating to coordinated operation of lower basin and hydroelectric reservoirs during basinwide drought are set forth in Section 2.5.5 of these regulations.

8. **Lower Basin Drought Operations.** Provisions relating to coordinated operation of reservoirs during a lower basin drought are set forth in Section 2.5.6 of these regulations.

Figure 1
New York City Delaware System Combined Usable Storage
(Cannonsville, Pepacton and Neversink Reservoirs)

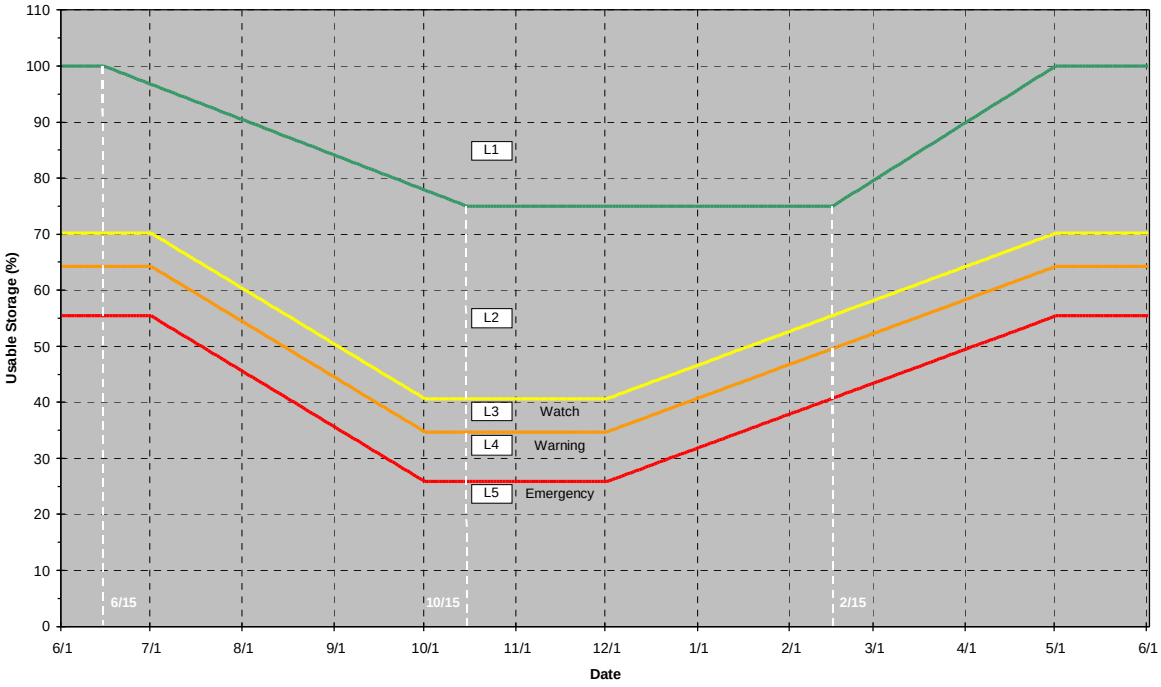


Table 1
Interstate Operation Schedule
For Diversions and Flow Objectives

NYC Storage Condition	*NYC Diversion (mgd)*	*NJ Diversion (mgd)*	*Montague Flow Objective (cfs)*	*Trenton Flow Objective (cfs)*
Normal (June 15 – Sept 15)	800	100	1,850*	3,000
Normal (Sept 16 – June 14)	800	100	1,750	3,000
Drought Watch (L3)	680	100	1,660	2,700
Drought Warning (L4)	560	85	1,550	2,700
Drought Emergency (L5)	520	85	1,100-1,500**	2,500-2,900***
Severe Drought	(to be negotiated depending upon conditions)			

* To the extent supported by the IERQ in accordance with Section 2.5.3 E.2. Otherwise, 1,750 c.f.s.

** Varies with time of year, in accordance with Table 2.

*** Varies with time of year and location of salt front, in accordance with Table 2, except that for lower basin drought warning and drought emergency conditions, Section 2.5.6 of these regulations shall control.

Table 2
Interstate Operation Schedule
For Adjusting Montague and Trenton Flow Objectives
During Drought Conditions

	Flow Objective (cfs)						
	Trenton			*Montague*			
7-Day Average Location of "Salt Front" (RiverMile**)*	*Dec 1 - Apr 30*	*May 1 - Aug 31*	*Sep 1 - Nov 30*	*June 1 - June 30*	*July 1 - Nov 31*	*Dec 1 - Dec 31*	*Jan 1 - May 31*
-	-	-	-	1,450	1,500	1,350	1,100
Upstream of R.M. 92.5	2,700	2,900	2,900				
R.M. 87.0 – R.M. 92.5	2,700	2,700	2,700				
R.M. 82.9 – R.M. 87.0	2,500	2,500	2,500				
Downstream of R.M. 82.9	2,500	2,500	2,500				

* Defined as the 250 mg/L isochlor in the Delaware Estuary.
** Measured in statute miles along the center of the navigation channel, from the mouth of the Delaware Bay.

G. Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP)

1. **Program Established.** A Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP) is hereby established, which consists of conservation releases designed to protect the ecology of the tailwaters below the New York City Delaware Basin reservoirs and discharge mitigation releases, designed to help mitigate the effects of flooding immediately below these reservoirs.

2. **Availability of Water to Support THP-DMP Releases.** Until the earlier of 2012 or such time as the additional 13 billion gallons (equivalent to approximately 35 mgd) of combined storage proposed to be constructed at the Cannonsville and Pepacton Reservoirs as contemplated by New York State and the City of New York has been built, an unused portion of New York City's allowable diversion of 800 mgd not to exceed 35 mgd shall be made available on an annual basis to support THP-DMP releases in accordance with the following:

   a. The City annually shall inform the River Master of a quantity of its allowable diversion not to exceed 35 mgd that it anticipates the City will not use during the ensuing year, which quantity shall be made available to support THP-DMP releases.

   b. In any year in which the quantity of water furnished by the City in accordance with the preceding paragraph is less than 35 mgd, the states of Delaware, New Jersey and Pennsylvania may by unanimous agreement make available to support THP-DMP releases a quantity of the IERQ not to exceed the difference between the City's contribution and 35 mgd. The three states shall report such quantity to the River Master.

c. After December 31, 2012, if the additional storage under consideration by New York State and the City of New York has not been constructed, then THP-DMP releases shall be made in accordance with the schedule set forth in Table 3D (0 mgd) below except that the Decree Parties may in the exercise of their discretion agree to make additional water available for the program in accordance with the procedures for revision of the FFMP set forth in paragraph H below. In that event, releases shall be made in accordance with the schedule set forth in Table 3A (35 mgd), 3B (20 mgd), or 3C (10 mgd).

d. Releases made when the combined storage of the City's Delaware Basin Reservoirs is in Zone L1 in Figure 1 shall not be considered part of the quantity of water the City has made available to support THP-DMP releases pursuant to Section 2.5.3 G.2.b. above.

3. **Schedule of Releases.** Depending upon the amount of water made available in accordance with the preceding section, 2.5.3 G.2., THP-DMP releases in a given year shall be made in accordance with **Table 3A** (35 mgd), **3B** (20 mgd), **3C** (10 mgd) or **3D** (0 mgd). The quantity of controlled releases to be made from each of the City's Delaware Basin reservoirs shall be further determined on the basis of the following:

a. Combined storage levels in accordance with **Figure 1**. In **Figure 1**, the percentage of combined usable storage associated with basinwide normal operations is subdivided into two ranges (or "zones") – L1 and L2. The percentage of combined usable storage associated with drought operations is subdivided into three zones – L3, L4, and L5 – in order of diminishing storage, corresponding to drought watch, drought warning and drought emergency operating conditions, respectively.

b. For the highest combined storage range only, individual reservoir storage levels in accordance with **Figure 2**. In **Figure 2**, for purposes of determining the quantity released from individual reservoirs, Zone L1 (representing maximum combined reservoir storage) is sub-divided into three storage zones – L1-a, L1-b, and L1-c – expressed as percentages of usable storage. When combined storage in the City's three Delaware Basin reservoirs is in Zone L1, the time of year and the percentage of usable storage available in each individual reservoir will determine whether the L1-a, L1-b or L1-c release quantity specified in **Table 3** is made from that reservoir.

c. Dates. Releases from each of the reservoirs are established for eight date ranges, grouped by season as set forth in **Table 3**. These are: June 1-15, June 16-30, July 1-August 31 (Summer); September 1-30 and October 1 – November 30 (Fall); December 1 – March 31 and April 1-30 (Winter); and May 1-31 (Spring).

d. THP-DMP releases during recovery from drought. During recovery from drought, THP-DMP releases corresponding to the lowest storage level attained will continue until combined storage in the three New York City Delaware Basin reservoirs reaches 25 billion gallons above the drought watch level and remains at or above that level for 15 consecutive days.

Figure 2
New York City Delaware System Usable Individual Storage
(Cannonsville, Pepacton and Neversink Reservoirs)

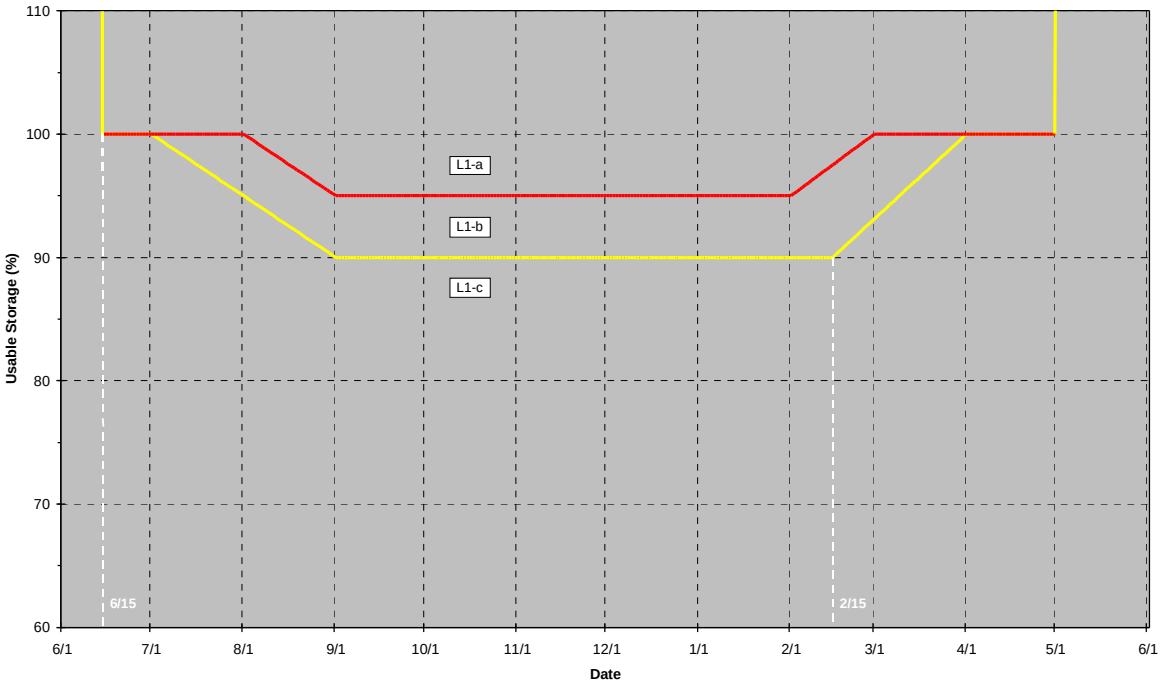


Table 3A
Schedule of Releases (cfs)
With 35 mgd Available

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	80	80	215	260	260	260	115	80
L3	70	70	100	175	175	175	95	70
L4	55	55	75	130	130	130	55	60
L5	50	50	50	120	120	120	50	50

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	65	65	110	140	140	140	85	60
L3	55	55	80	100	100	100	55	55
L4	45	45	50	85	85	85	40	40
L5	40	40	40	80	80	80	30	30

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	45	45	85	100	100	100	70	45
L3	40	40	50	75	75	75	40	40
L4	35	35	40	60	60	60	30	30
L5	30	30	30	55	55	55	25	25

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

Table 3B
Schedule of Releases (cfs)
With 20 mgd Available

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	72	72	194	234	234	234	104	72
L3	63	63	90	158	158	158	86	63
L4	50	50	68	117	117	117	50	54
L5	45	45	45	108	108	108	45	45

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	59	59	99	126	126	126	77	54
L3	50	50	72	90	90	90	50	50
L4	41	41	45	77	77	77	36	36
L5	36	36	36	72	72	72	27	27

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	41	41	77	90	90	90	63	41
L3	36	36	45	68	68	68	36	36
L4	32	32	36	54	54	54	27	27
L5	27	27	27	50	50	50	23	23

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

Table 3C
Schedule of Releases (cfs)
With 10 mgd Available

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	65	65	175	212	212	212	94	65
L3	57	57	82	143	143	143	77	57
L4	45	45	61	106	106	106	45	49
L5	41	41	41	98	98	98	41	41

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	53	53	90	114	114	114	69	49
L3	45	45	65	82	82	82	45	45
L4	37	37	41	69	69	69	33	33
L5	33	33	33	65	65	65	24	24

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	37	37	69	82	82	82	57	37
L3	33	33	41	61	61	61	33	33
L4	29	29	33	49	49	49	24	24
L5	24	24	24	45	45	45	20	20

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

Table 3D
Schedule of Releases (cfs)
With 0 mgd Available

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	58	58	157	190	190	190	84	58
L3	51	51	73	128	128	128	69	51
L4	40	40	55	95	95	95	40	44
L5	37	37	37	88	88	88	37	37

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	47	47	80	102	102	102	62	44
L3	40	40	58	73	73	73	40	40
L4	33	33	37	62	62	62	29	29
L5	29	29	29	58	58	58	22	22

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	33	33	62	73	73	73	51	33
L3	29	29	37	55	55	55	29	29
L4	26	26	29	44	44	44	22	22
L5	22	22	22	40	40	40	18	18

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

4. **Additional Requirements Applicable to Discharge Mitigation Releases.** The City of New York shall make discharge mitigation releases from the City's Delaware Basin reservoirs in accordance with the following:

   a. For the period June 16 through April 30, if combined usable storage is in Zone L1, then each reservoir shall be considered separately, and for each individual reservoir, the percentage of usable storage available in that reservoir will determine whether the L1-a, L1-b or L1-c release is made from the reservoir, in accordance with Figure 2 and Table 3. During the period October 1 through April 30, fifty (50) percent of the water equivalent of snow pack in the watersheds above the reservoirs shall be included in the determination of combined and individual usable storage.

   b. For the period April 1 through April 30, if combined reservoir usable storage including snow pack is within the L1 zone, the releases from each reservoir shall be in the L1-a or the L1-c quantity, as provided in Table 3.

   c. For the period May 1 through June 15, the L1-a and L1-b Zones do not apply. If combined reservoir usable storage is in Zone L1, releases shall be made in the L1-c quantities provided in Table 3.

   d. The NYCDEP and NYSDEC release managers may transfer reservoir spills to bottom releases to the extent possible and mutually agreed upon at any of the three reservoirs.

   e. The current National Weather Service flood stage for the West Branch Delaware River at Hale Eddy is 11 feet. Accordingly, Zone L1 THP-DMP releases shall not be made from Cannonsville Reservoir when the river stage for the West Branch Delaware River at Hale Eddy is above 9 feet or is forecast to be above 9 feet within 48 hours of a planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only the L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

   f. The current National Weather Service flood stage for the East Branch Delaware River at Fishs Eddy is 13.0 ft. Accordingly, Zone L1 THP-DMP releases shall not be made from Pepacton Reservoir when the river stage for the East Branch Delaware River at Fishs Eddy is above 11.0 ft. or is forecast to be above 11.0 ft. within 48 hours of a planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only the L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

g. The current National Weather Service flood stage for the Neversink River at Bridgeville is 13 feet. Accordingly, Zone L1 THP-DMP releases shall not be made from Neversink Reservoir when the river stage for the Neversink River at Bridgeville is above 12 feet or is forecast to be above 12 feet within 48 hours of a planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

h. Zone L1 THP-DMP releases from any one of the City's reservoirs may be suspended from the respective reservoirs if NYCDEP and NYSDEC in consultation with the National Weather Service determine that ice conditions threaten flood prone areas of the Neversink River below Neversink Reservoir, East Branch Delaware River below Pepacton Reservoir, or West Branch Delaware River below Cannonsville Reservoir. In the event Zone L1 THP-DMP releases from a reservoir are suspended, the quantity of a controlled release from that reservoir shall not exceed the L2 quantity provided in Table 3.

i. Discharge mitigation (Zone L-1) releases shall be designed so that the combined discharge from each reservoir's controlled release works and spillway does not exceed the flow rate provided in **Table 4** below. If the combined discharge at any of the three reservoirs exceeds the flow rate provided in Table 4, then controlled releases from such reservoir(s) shall be reduced to the L-2 releases provided in Table 3, or lower.

j. To more naturally effect downward or upward transitions between discharge mitigation release rates identified in Table 3, discharge mitigation release rates may be ramped generally over a period not to exceed three days at Cannonsville and Pepacton Reservoirs or two days at Neversink Reservoir, but in increments of no less than 10 cfs at any reservoir.

Table 4
Maximum Combined Discharge Rates

Reservoir	*Maximum Combined Discharge Rate (cfs)*
Neversink	3,400
Pepacton	2,400
Cannonsville	4,200

H. FFMP Evaluation, Monitoring and Reporting

1. THP-DMP. In accordance with the agreement among the Decree Parties dated September 26, 2007, NYSDEC shall periodically provide the DRBC and the Decree Parties with reports evaluating the effectiveness of the THP-DMP.

2. Construction of Additional Reservoir Storage. In accordance with the agreement among the Decree Parties dated September 26, 2007, NYSDEC and the City of New York shall provide the DRBC and the Decree Parties with periodic reports on the status of efforts by New York State to secure the necessary funding and to implement construction of additional storage in the City's Delaware Basin reservoirs.

3. Evaluation and Revision of the FFMP.

   a. The Commission and Decree Parties may propose modifications to the FFMP based upon periodic evaluation of the scientific basis for its various elements and the effectiveness of the FFMP in achieving the objectives set forth in Section 2.5.3 A., above.

   b. Among other things, the Commission, in consultation with the Decree Parties, will consider modifications to the FFMP that may be necessary to avoid taking, harming or adversely affecting Dwarf Wedge Mussels.

I. Temporary Suspension or Modification in Case of Emergency.

1. Emergency Order by Executive Director. If the Executive Director after consultation with the Decree Parties and with their unanimous consent finds that customary notice and comment rulemaking by the Commission is impracticable and contrary to the public interest, then the Executive Director shall set forth such finding in an Emergency Order and therein authorize a temporary suspension or modification of these Regulations.

2. Commission Ratification. The Commission shall ratify, reject or modify the Emergency Order at the next public meeting of the Commission, subject to the unanimous consent of the Decree Parties. In such circumstances, public notice shall be provided, consisting at a minimum of publication of the Emergency Order on the Commission's website, along with the date, time and location of the Commission's next scheduled hearing, procedures for submitting written comments, and the name and telephone number of a Commission contact person.

3. Permanent Change. In the event that a suspension or modification of provisions of this Section 2.5.3 by Emergency Order is proposed to remain in effect permanently, ratification by the Commission shall be temporary, pending completion of a notice and comment rulemaking in accordance with Section 2.5.3 I.2. above.

J. Effective Date; Expiration

1. This Section 2.5.3 and amendments to Sections 2.5.4 through 2.5.6 of the Water Code required to implement the FFMP consistent with this section shall take effect upon completion of DRBC rulemaking in accordance with the requirements of the Delaware River Basin Compact and the Commission's customary practice, subject to the unanimous consent of the Decree Parties.

2. The Water Code amendments constituting the FFMP shall expire on **May 31, 2011,** unless the Agreement of the Decree Parties dated September 26, 2007 is extended by the Parties prior to that date**.** In the event of expiration, the language of Section 2.5.3 of the Water Code in effect on the date preceding the effective date of these amendments shall be restored, as shall the language of all other sections to the extent they were amended simultaneously and for consistency with Section 2.5.3 in establishing the FFMP. The New York City Delaware Basin reservoirs shall then be operated in accordance with the (restored) Water Code and Docket D-77-20 CP (Revised). A discharge mitigation plan and an amelioration program for the potential effects of the Lake Wallenpaupack drought operating plan will be considered.

3. Unless and until the FFMP expires, Docket D-77-20 CP (Revised) issued on November 30, 1983, shall be suspended. All other revisions to Docket D-77-20 CP have previously been terminated or superseded or have expired in accordance with the provisions of these revisions.

2.5.4 ~~**Drought Emergency Actions**~~**Drought Emergency Declaration** *(Resolution No. 83-13)*.

~~A. **Criteria Defining Conditions** *(Resolution No. 83-13)*. For purposes of water management pursuant to Section 3.3 and Article 10 of the Compact, the determination of drought warning and drought conditions shall be based upon the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs, in accordance with Figure 1, entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone.B.~~It is the policy of the Commission that a basinwide drought emergency will be declared for purposes of imposing mandatory in-basin conservation measures and other appropriate actions whenever combined storage in the New York City Delaware Basin Reservoirs falls into the drought emergency zone as defined in Figure 1 of Section 2.5.3 for five consecutive days. Termination of a declared drought emergency will be considered by the Commission whenever combined storage in the New York City Delaware Basin Reservoirs reaches a level 40 billion gallons above the drought watch~~rning~~ line as defined in Figure 1 and remains above that line for 30 consecutive days. The drought emergency will be terminated by the Commission whenever the combined storage in the New York City Delaware Basin Reservoirs reaches 40 billion gallons above the drought watch~~arning~~ line defined in Figure 1 and remains above that line for 60 consecutive days, unless the Commission unanimously agrees to extend the emergency.

2.5.5 **Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought** *(Resolution No. 84-7, as amended by Resolution No. 2002-33)*. Not all components of Resolution No. 2002-33 were incorporated in the *Water Code*. *For additional provisions concerning operation of Lake Wallenpaupack during drought, please refer to Resolution No. 2002-33.*

During basinwide "drought emergency" ~~conditions~~ operations as defined by Figure 1 in Section 2.5.3 F.~~A~~, the Francis E. Walter, Prompton, Beltzville, Blue Marsh, Nockamixon, Lake Wallenpaupack and Mongaup ~~hydroelectric~~ reservoirs~~,~~ will be utilized to complement the drought management operations of the New York City reservoirs. The priority of lower basin reservoir use to meet Trenton flow objectives is set forth in Table 1 below. Lake Wallenpaupack also may be utilized to complement the drought management operations of the New York City reservoirs during "drought watch" and "drought warning" operations as defined by Figure 1 in Section 2.5.3 F~~A~~.

TABLE 1. PRIORITY OF USE FOR EXISTING LOWER BASIN RESERVOIRS DURING BASINWIDE DROUGHT EMERGENCY

Priority	Operation to Meet Trenton Objective	Remaining Storage (%) bg	cfs-days Used
1	Prompton*/**		
2	F.E. Walter**		
3	Beltzville to Elev. 615	73.7/9.89	5,475
3	Blue Marsh to Elev. 283***	68.9/5.13	3,595
4	Nockamixon to Elev. 385	68.7/9.00	6,364
5	Beltzville to Elev. 590	38.0/5.10	7,411
6	Blue Marsh to Elev. 273	36.8/2.74	3,700
7	Beltzville to Elev. 537	3.4/0.45	7,198
7	Blue Marsh to Elev. 261****	13.0/0.97	2,735
8	Nockamixon to Elev. 325.5	1.0/0.13	13,745

***** Subject to reconstruction of temporary control gate (depending on final negotiations with the Corps of Engineers).

****** Would first require filling of temporary storage, so would not likely be available during the first year of a drought (use subject to final negotiations with the Corps of Engineers).

******* Blue Marsh Reservoir augments flow of the Schuylkill River and the Delaware River downstream of the Trenton gage at Philadelphia; however, for estuarine salinity control, flow augmentation in the Schuylkill River has roughly the same effect as an equal augmentation in the Delaware River at Trenton.

******** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority.

Lake Wallenpaupack and the Mongaup reservoirs ~~would~~ will be called upon to provide releases to assist in meeting the Montague flow objective in the summer and fall periods whenever reservoir releases ~~would have to be~~ are directed by the River Master to meet the Montague flow objective. ~~These~~ Such releases would be independent of lower basin release requirements needed to maintain flows at Trenton. During basinwide "drought watch," ~~and~~ "drought warning" and "drought emergency" operations, as defined in Figure 1 of Section 2.5.3~~.A.~~ of the *Water Code*, releases from Lake Wallenpaupack shall be made only in accordance with Commission direction. The Lake Wallenpaupack elevation schedules during basinwide normal, drought watch, drought warning, and drought emergency ~~conditions~~ operations are set forth in Table 2. The lake elevations in Table 2 have been established to preserve the recreation values and other operational benefits of the lake while also providing water storage to be utilized at the direction of the Commission during the Commission's drought operations as set forth in this section and in Section 2.5.6. The utilization of Lake Wallenpaupack at the direction of the Commission during the Commission's drought operations shall be conditioned upon the following:

1. Utilization of Lake Wallenpaupack during basinwide drought watch and warning operations shall be consistent with PPL's FERC license and power generation requirements as well as with lake and downstream needs.

2. During basinwide drought watch, warning and ~~drought~~ emergency operations, Lake Wallenpaupack will be utilized with consideration given to any established flow and temperature targets that may be in effect in the upper Delaware River and in the West Branch Delaware, East Branch Delaware, and Neversink Rivers.

3. During basinwide drought emergency operations, PPL may, at the Commission's direction, operate for power production when the lake elevation is above the ~~following~~ first-of-month "normal elevation" as defined in Table 2 for the approaching month.

4. During a declared power emergency, PPL may operate for power production regardless of lake elevation.

5. Subject to the concurrence of the Commission, in response to changing electrical demand patterns, PPL may revise the lake elevations for "normal operations~~conditions~~" shown in Table 2.

TABLE 2. LAKE WALLENPAUPACK ELEVATION SCHEDULES

Day	Normal ~~Conditions~~Operations**	Drought ~~Warning~~Watch ~~(~~and Warning~~Watch)~~	Drought Emergency
June 1	1187.0	1187.0	1187.0
July 1	1185.0	1185.0	1185.0
August 1	1183.0*	1183.0*	1183.0*
September 1	1181.0	1180.0	1179.0
October 1	1179.0	1176.0	1175.0
November 1	1181.0	1172.0	1171.0
December 1	1182.0	1167.5	1167.5
January 1	1183.0	1170.1	1170.1
February 1	1181.5	1173.3	1173.3
March 1	1180.0	1175.6	1175.6
April 1	1182.3	1182.3	1182.3
May 1	1185.6	1185.6	1185.6

* The existing FERC license for the Lake Wallenpaupack Hydroelectric Project requires that~~,~~ except when flood waters are being stored, the maximum elevation of the lake shall be limited to elevation 1182.0 between August 1 and November 15 of each year (Article 41). In its application to the FERC for a new license, PPL seeks to include the drought ~~condition~~ operation lake elevation schedules in Table 2 on a permanent basis, including a lake elevation of 1183.0 on August 1. In the interim, until the FERC issues a new license, PPL will request annual approval from the FERC to operate the lake in accordance with Table 2 during the August 1-November 15 period. PPL will notify the Commission of the FERC's response to each annual request. If in any year FERC does not approve a change to the lake elevation to 1183.0 or does not include it as a term of the new license, then this elevation shall be deemed to be 1182.0 in that year.

** Lake elevation may be lowered under normal operations in accordance with a discharge mitigation plan approved by the Decree Parties and the Commission for the purposes of reducing the likelihood that uncontrolled spills will occur during flood events and if they should occur, reducing their magnitude.

After issuance of a Conservation Order by the Commission, power generation releases from the Mongaup reservoir system shall be made only in accordance with Commission direction. For the Mongaup reservoirs, a drought operation rule curve will be followed. The rule curve will be based on maximum available storage of 15.38 billion gallons for the total system and will provide for refilling the system during the worst hydrologic year of record and for maintaining a minimum release. Daily average discharge for the period June-November inclusive generally will be on the order of 100-150 cfs/24-hours and for the period December-May inclusive generally will be on the order of 20-30 cfs/24-hours.

Temporary storage in Prompton reservoir ~~would~~ will be used if available to help meet the Trenton objective; however, depending upon upper and lower Basin conditions, Prompton releases ~~could~~ also may be used ~~for~~ to meet the ~~a~~ Montague objective if ~~there was~~ a critical need arises to conserve storage in the New York City Delaware Basin reservoirs and the combined storage in the Beltzville and Blue Marsh reservoirs ~~was~~ is above 70% of capacity.

Francis E. Walter reservoir will be called upon to meet the Trenton flow objective only after any storage in Prompton is depleted. It is understood, however, that until this dam is modified to retain water supply storage, its function is flood control. It will not likely be available for flow maintenance during the first year of a drought if such drought is declared subsequent to June 1, or the end of the heavy spring runoff period. Water ~~could~~ may be stored temporarily in flood control storage upon a request by the ~~issuance of~~ Commission ~~requests~~ for storage and releases ~~after~~ following issuance of a Conservation Order by the Commission. In the event of a threatening major storm, temporarily stored water may have to be released in order to restore the necessary flood protection capacity of the dam. Water may also have to be released in order to draw down to the winter drought pool level at elevation 1,370. (See Table 3). If releases to meet winter drought pool requirements or to prepare for a storm occur when releases are not required for the Trenton flow objective, then the Montague requirement ~~would~~ may be adjusted in order to save equivalent water in the New York City Delaware Basin reservoirs. ~~In so doing,~~ ~~t~~The storage saved in the New York City reservoirs would be available for use later should the drought persist. ~~I, or be available, i~~f on the other hand, conditions should improve, the stored water would contribute to an earlier return to ~~a~~ normal operation~~conditions at an earlier date, at which time restrictions could be lifted~~.

TABLE 3. TEMPORARY EMERGENCY WATER SUPPLY STORAGE AT F.E. WALTER RESERVOIR (PURSUANT TO DROUGHT DECLARATION)

F.E. Walter Reservoir- (DA 288 sq. mi.)

Usable storage 11.30 bg between elevations 1300 to 1392. Inactive storage below elevation 1300–0.58 bg (1793 ac-ft)

	Elevation (ft./s.l.d)	Surface Area (acres)	Storage (acre-ft.)	Storage (bg)	Storage (inches runoff)
Drought/ Summer Pool*	1392	824	36,458	11.88	2.37
Drought/ Winter Pool**	1370	587	20,831	6.79	1.36
Normal Pool	1300	80	1,793	0.58	0.12
	1245	0	0	0	0

* Drought summer pool = 11.30 billion gallons of temporary water supply storage (32% of flood control storage).

** Drought winter pool = 6.21 billion gallons of temporary water supply storage (18% of flood control storage).

While it is clearly understood that the water supply storage at Beltzville and Blue Marsh reservoirs is to be used for water supply and to control salinity intrusion into the Delaware ~~e~~Estuary during low flow periods, it is also recognized that extensive recreational development is established on these lakes, which should be protected to the extent possible. Accordingly, the operation plans for both of these reservoirs, as well as Nockamixon, in drought emergencies have recognized these multiple uses, with water supply having precedence.

After Francis E. Walter, then Beltzville, Blue Marsh, and Nockamixon reservoirs are used in that order down to the elevations indicated in Table 1 for priorities 3 and 4, at which elevations recreation will become affected. Recreation will then be eliminated at Beltzville and Blue Marsh while retaining fish life, as those two reservoirs are drawn down to the elevations indicated as priorities 5 and 6. Finally, all remaining usable storage would be utilized as indicated by priorities 7 and 8.

When only conservation releases are being made from the lower Basin reservoirs, they will be modified ~~according~~ in accordance with ~~to~~ Table 4 below, beginning with basinwide "drought ~~warning~~watch" conditions, as defined by Figure 1 in Section 2.5.3~~A~~. If Docket D-77-20 CP (Revised) or a subsequent revision of that docket is in effect, then ~~Drought c~~conservation releases will ~~terminate and~~ return to normal at the same time as augmented conservation releases are restored at the New York City Delaware reservoirs. If the Tailwaters Habitat Protection and Discharge Mitigation Program (TailPro) is in effect, then conservation releases will return to normal at the same time as TailPro releases are restored to L2 levels or above. Conservation releases for the reservoirs listed in Table 4 also will be modified in accordance with the lower basin drought operating criteria set forth in Section 2.5.6.

TABLE 4. CONSERVATION RELEASES

Reservoir	Normal Conservation Release (cfs)	Drought Warning and Drought Conservation Releases (cfs)
F.E. Walter	50	43
Prompton	inflow – outflow	6
Beltzville	35	15
Blue Marsh	41 (50*)	21 (30*)
Nockamixon	11	7

* With Western Berks Water Authority release included. As the future needs of the Authority increase, the release will correspondingly increase.

Operation of the lower Basin reservoirs ~~for drought management~~ in accordance with Table 1 of this section will continue until termination of ~~the~~ a drought emergency declaration by the Commission.

2.5.6 **Coordinated Operation of Reservoirs During ~~a~~ Lower Basin Normal, Drought Warning and Drought Emergency** *(Resolution No. 88-22 Revised, as Amended by Resolution No. 2002-33).*

A. **Banking and Use of Excess Release Quantity: New York City Reservoirs** *(Resolution No. 88-22 Revised)*. ~~P~~Prior to June 15 of ~~each~~ any year in which the Interim Excess Release Quantity established by Section 2.5.3 E.2. of these Regulations is not in effect, and at any time the hydrologic conditions so warrant, the parties to the 1954 Supreme Court Decree, the Delaware River Basin Commission and the Delaware River Master will review existing conditions in the basin and shall determine whether or not to bank the "excess release quantity" provided pursuant to Section III, B.1.C of the Decree, as calculated for the seasonal period beginning June 15 and ending the following March 15, for possible use to help prevent lower basin "drought" or to provide lower basin "drought" assistance. Relevant factors to be considered include precipitation in the basin, climatic predictions, streamflows, ground water levels, soil moisture and other hydrologic data in making the determination with respect to the banking and use of the "excess release quantity." The "excess release quantity" shall be reserved and placed in an "excess release bank" if the parties to the 1954 Decree, Delaware River Basin Commission and the River Master determine that "drought" conditions in the lower basin are expected or threatening. If the "excess release quantity" is reserved and banked, the excess release provisions set forth in Section III.B.1.d of the Supreme Court Decree shall be deemed suspended for the balance of that water year beginning June 1 and ending May 31. The "excess release bank" shall be used~~,~~ during that water year~~,~~ to provide ~~lower basin "drought" assistance~~ releases to the Delaware River designed to assist in meeting the Trenton flow objective for lower basin "normal" conditions, or 3,000 cfs. Such ~~lower basin "drought" assistance~~ releases shall be made in quantities and at such times as determined by the Delaware River Basin Commission~~,~~ and directed by the Delaware River Master, and subject to the condition that ~~. The lower basin "drought" assistance releases shall be made provided that~~ the total combined storage available in the New York City Delaware River Basin reservoirs exceeds the basinwide "drought watch ~~warning~~" criteria set forth in Figure 1 of Section 2.5.3. The total lower basin releases made from the New York City Delaware Basin reservoirs during any water operations year ~~under the provision of~~in accordance with this ~~section~~ Section 2.5.6 A. shall not exceed the total quantity available in the "excess release bank" available during that same period. If, while banking excess releases, augmented conservation releases from the New York City Delaware ~~River~~ Basin reservoirs are made that would ~~have been~~ be credited towards the "excess release quantity" in the absence of banking, then that amount of augmented conservation release shall be deducted from the "excess release bank".

B. **Operations During Lower Basin "Normal" Conditions** *(Resolution No. 88-22 Revised)*. When basinwide conditions are "normal" and lower basin conditions are "normal" (as defined by Beltzville Reservoir storage above Elevation 615 m.s.l. and Blue Marsh Reservoir storage above Elevation 283 m.s.l.), the following provisions shall govern lower basin operations:

1. **New Jersey Diversion.** Diversions by the State of New Jersey during lower basin "normal" ~~periods~~operating conditions~~,~~ shall be as set forth in Section 2.5.3 C. of these Regulations. ~~computed as provided in Section V.B. of the amended Decree of the U.S. Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (1954) and its total diversion without compensating releases shall not exceed 100 million gallons per day (mgd) as a monthly average, with the diversion on any day not to exceed 120 million gallons, and its total diversion without compensating releases shall not exceed an average of 100 mgd during any calendar year.~~

2. **Trenton Flow Objective.** In accordance with Section 2.5.3 D.2.a. of these regulations, ~~T~~the minimum basic rate of flow at the U.S.G.S. gaging station at Trenton, New Jersey (or "Trenton Flow Objective") during normal operating conditions ~~streamflow objective at the U.S.G.S gaging station located at Trenton, NJ,~~ shall be 3,000 cfs.

3. **Priority of Releases.** Releases shall be made from storage to maintain the minimum Trenton streamflow objective of 3,000 cfs in such quantities and at such times as determined by the Delaware River Basin Commission, and, in the case of the New York City reservoirs, as directed by the Delaware River Master, in the following order of priority:

   a. Releases from the "excess release bank" in the New York City Delaware Basin reservoirs, if available as provided ~~under~~ by Section 2.5.6 A. of ~~this~~ these ~~plan~~Regulations, or releases from the Interim Excess Release Quantity (IERQ) established by Section 2.5.3 E.2.

   b. Releases from Beltzville Reservoir from storage between elevations 628 and 615 m.s.l. (73.7% of storage remaining), and/or releases from Blue Marsh Reservoir from storage between elevations 290 and 283 m.s.l. (68.9% of storage remaining). Releases may be made from either or both reservoirs considering water quality needs in the Lehigh and Schuylkill Rivers.

C. **Operations During Lower Basin "Drought Warning" Conditions** *(Resolution No. 88-22 Revised)*. When basinwide conditions are "normal" and the storage in Beltzville Reservoir falls below elevation 615 m.s.l. (73.7% of storage capacity) and the storage in Blue Marsh Reservoir falls below elevation 283 m.s.l. (68.9% of storage capacity), the Delaware River Basin Commission shall declare a "drought warning" condition in the lower basin, and the following operating provisions and actions shall automatically be placed in effect:

1. **New Jersey Diversion.** The total diversion by the State of New Jersey during lower basin "drought warning" conditions ~~in the lower basin~~ shall be computed as a daily running average, commencing on the day such "drought warning" becomes effective. The total diversion by New Jersey shall not exceed a running average of 85~~70~~ million gallons per day (mgd) with the diversion on any day not to exceed 120 mgd. If the allowable diversion for any condition period following entry into "drought warning" operations is not fully used, the unused portion may not be credited or used during subsequent periods.

2. **Trenton Flow Objective.** During lower basin "drought warning" ~~periods~~conditions, the minimum streamflow objective at the U.S.G.S. gaging station located at Trenton, NJ, shall be established as set forth in Table 2 of Section 2.5.3, "Interstate Operation Formula for Adjusting Montague and Trenton Flow Objectives During Drought Emergency (L5) Operations" in accordance with the seven-day average location of the 250-mg/l isochlor (the "salt front") in the Delaware Estuary.

3. **Priority of Releases.** Releases shall be made from storage to maintain the minimum streamflow objectives set forth in Table 2 of Section 2.5.3, in such quantities and at such times as determined by the Delaware River Basin Commission, and in the case of the New York City Reservoirs, as directed by the Delaware River Master, in the following order of priority:

a. Releases from the New York City Delaware Basin reservoirs, either from the "excess release bank" in accordance with Section 2.5.6 A. or from the IERQ~~in the New York City Delaware River Basin Reservoirs, if available, as provided under Section A~~in accordance with Section 2.5.3 E.2. if available. Because the "excess release bank" or the IERQ, if in effect, ~~will~~ may have been used under lower basin "normal" conditions, ~~it~~ either quantity ~~would~~may ~~only~~ be available only in the second or a subsequent year of a lower basin "drought" or lower basin "drought warning."

b. Releases from Beltzville Reservoir from storage between elevations 615 to 590 m.s.l. (38% of storage remaining), and/or releases from Blue Marsh Reservoir from storage between elevations 283 and 273 m.s.l. (36.8% of storage remaining). Releases may be made from either or both reservoirs, considering water quality needs in the Lehigh and Schuylkill Rivers.

c. The Commission may direct releases from Lake Wallenpaupack subject to the same conditions as ~~applied~~ apply to operation during lower basin drought in accordance with Section 2.5.6 D.3.e. below, except that utilization of Lake Wallenpaupack during lower basin drought warning shall be consistent with PPL's FERC license and power generation requirements as well as with lake and downstream needs.

4. **Reduction of Conservation Releases.** In order to conserve storage, conservation releases from the listed lower basin reservoirs shall be modified as set forth in Table 4 of Section 2.5.5, commencing with the declaration of a lower basin "drought warning" condition.

5. **Conservation Measures.** The Delaware River Basin Commission and the lower basin states will implement and encourage concerted voluntary water conservation measures and programs during the lower basin "drought warning" condition.

6. **Consultation by Decree Parties, the Delaware River Basin Commission, and Delaware River Master.** Within 30 days following triggering of lower basin "drought warning" conditions, the Delaware River Basin Commission shall convene the authorized representatives of the States of Delaware, New Jersey and New York, Commonwealth of Pennsylvania, City of New York and the Delaware River Master to review current conditions and to consider and determine actions to be implemented in the event of lower basin "drought" emergency conditions declared pursuant to Article 10.4 of the Compact.

7. **Ending Lower Basin "Drought Warning."** When the storage levels in Beltzville and Blue Marsh Reservoirs ~~simultaneously~~ simultaneously exceed their respective lower basin "drought warning" storage levels for 30 consecutive days, or when either of those reservoirs spills, the lower basin "drought warning" operation shall automatically terminate and "normal" operations shall be resumed, unless the Commission unanimously agrees otherwise.

D. **Operations During Lower Basin "Drought Emergency" Conditions** *(Resolution No. 88-22 Revised)*. When basinwide conditions are "normal" and storage in Beltzville Reservoir falls below elevation 590 m.s.l. (38.0% of storage capacity) and storage in Blue Marsh Reservoir falls below elevation 273 m.s.l. (36.8% of capacity) and remains below such levels for three consecutive days, the Delaware River Basin Commission shall, pursuant to Article 10.4 of the Compact, declare a lower basin "drought~~"~~ emergency" condition in the lower basin and the following provisions shall automatically be placed in effect:

1. **New Jersey Diversion.** The total diversion by New Jersey during lower basin drought emergency conditions shall not exceed a running average of 85~~65~~ mgd, for the continuous period commencing on the first day following declaration of the lower basin "drought emergency," with the diversion on any day not to exceed 120 mgd.

2. **Trenton Flow Objective.** During lower basin "drought emergency" conditions, the minimum streamflow objective at the U.S.G.S. gaging station located at Trenton, NJ shall be established as set forth in Table 2 of Section 2.5.3 in accordance with the seven-day average location of the 250 mgl isochlor (the "salt front") in the Delaware Estuary.

3. **Reservoir Operations~~.~~**

   a. If not previously agreed to, within three days following the triggering of lower basin "drought emergency" conditions, the parties to the 1954 Decree in consultation with the Delaware River Basin Commission~~,~~ shall consider and unanimously select, and the Delaware River Basin Commission shall implement, one of the six lower basin "drought emergency" reservoir operations plans set forth in Section 2.5.6 E. below, or any other plan designed to meet then existing conditions. The parties may by unanimous agreement modify and adjust any such operations plan or plans as necessary and appropriate to reflect actual conditions and needs.

   b. The lower basin "drought emergency" reservoir operations plans shall consider and include provision of staged releases, as appropriate, from the following storage:

      i. Beltzville Reservoir storage between elevations 590 and 537 m.s.l. (4.65 billion gallons).

      ii. Blue Marsh Reservoir storage between elevations 273 and 261 m.s.l. (1.77 billion gallons).

      iii. Lake Nockamixon storage between elevations 395 and 325.5 m.s.l. (12.97 billion gallons).

      iv. Storage in Lake Wallenpaupack and Mongaup facilities (33.9 and 15.38 billion gallons respectively), subject to the conditions set forth in subsection D.3.e.

      v. Any water from storage in the New York City Delaware Basin Reservoirs in excess of 80 billion gallons above basinwide "drought watch~~arning~~" criteria as set forth in Figure 1 of Section 2.5.3, without compensation.

vi. Any water from storage in the New York City Delaware Basin Reservoirs between 65 billion gallons and 80 billion gallons above basinwide "drought watch~~rning~~" criteria as set forth in Figure 1 of Section 2.5.3, with compensation for the use of storage between 65 billion gallons and 80 billion gallons at the rate of 50% of actual releases made for lower basin "drought" assistance only if storage drops below the level of 65 billion gallons above "drought watch~~warning~~." Credits will be added to the lower basin Drought Assistance Releases Credit Bank as defined in Subsection 2.5.6 D.3.d.ii. below and compensated for as provided in Subsection 2.5.6. D.3.d.iii. below.

vii. Up to 30 billion gallons from storage in the New York City Delaware Basin Reservoirs between 30 billion gallons and 65 billion gallons above basinwide "drought watch~~warning~~" criteria as set forth in Figure 1 of Section 2.5.3, subject to the conditions set forth in ~~s~~Subsection 2.5.6 D.3.d.

viii. Available storage in Lake Hopatcong (1.9 to 4.3 billion gallons) subject to the considerations set forth in Subsection 2.5.6 D.3.f.

c. The Delaware River Basin Commission, in consultation with the parties to the 1954 Decree, shall consider requesting the temporary storage of water in Francis E. Walter and Prompton ~~R~~reservoirs for future use.

d. New York City Delaware Basin Reservoirs Operations. During a lower basin "drought emergency" condition, an amount not to exceed 30 billion gallons of storage between 30 billion gallons and 65 billion gallons above the basinwide "drought watch~~warning~~" line in the New York City Delaware Basin Reservoirs may be considered for inclusion in the lower basin "drought emergency" reservoir operations plan to provide lower basin "drought" assistance releases to the Delaware River (in addition to such releases as may be ~~needed~~ applicable in accordance with Table 1 of Section 2.5.3 to meet the Montague flow objective), in order to assist in meeting the Trenton flow objective~~s~~, subject to the following conditions and limitations:

i. Lower basin "drought" assistance releases may be made under this provision provided that the total combined storage available in the New York City Delaware Basin Reservoirs exceeds by 30 billion gallons the "drought watch~~warning~~" criteria set forth in Figure 1 of Section 2.5.3.

ii. The total quantity of supplemental releases made from the New York City Delaware River Basin reservoirs from storage between 30 billion gallons and 65 billion gallons above "drought watch~~warning~~" criteria in any water year shall be credited to the City in a lower basin "Drought Assistance Releases Credit Bank" at the rate of 100% of actual releases made.

iii. Except as provided in (3) and (4), credits accumulated in the lower basin "Drought Assistance Releases Credit Bank" shall be carried forward to the following water years, and compensated for as follows:

(1) Credits shall first be used to reduce the "excess release quantity" for the water year beginning the following June as provided under Section III.B.1.c of the 1954 Decree, or to reduce the IERQ established by Section 2.5.3 E.2., if in effect.

(2) Any remaining credits shall be compensated by a proportionate reduction in the basic Montague flow objective provided under the 1954 Supreme Court Decree and Section 2.5.3. The amount and timing of such reductions shall be determined by the Delaware River Master, in consultation with the Commission and parties to the 1954 Decree. To the maximum extent possible and considering the hydrological condition of the New York City Delaware River Basin reservoirs and upper basin streamflows, such credits will be worked off on days when releases are required to meet the Montague flow objective~~s~~, and Trenton flows exceed the applicable flow objective without augmentation from lower basin storage as ordered by the Delaware River Basin Commission.

(3) Should any credits still remain at the end of the following water year, the procedure as outlined in Subsections 2.5.6 D.3.d.iii.(1) and ~~D.3.d.iii.~~(2) immediately above shall be repeated for subsequent years as necessary to totally deplete the lower basin "Drought Assistance Releases Credit Bank", except as provided in Paragraph 2.5.6. D.3.d.iii.(4), immediately below.

(4) In the event that any New York City Delaware Basin Reservoir refills and spills, all credits accumulated in the lower basin "Drought Assistance Releases Credit Bank" shall be cancelled.

e. Power Reservoir Releases - During lower basin "drought emergency" conditions, the Delaware River Basin Commission may direct releases from storage in Lake Wallenpaupack and the Mongaup facilities according to Subsection 2.5.6 D.3.a. through d. The Commission may delegate to the River Master responsibility for directing operation of the Lake Wallenpaupack and Mongaup facilities under the release schedules and drought management policies of the Commission. In order to conserve the waters of the basin, releases from Wallenpaupack and Mongaup shall be made only when water is needed to meet Trenton flow objectives.

i. Releases from Lake Wallenpaupack may be directed as needed to meet Trenton flow objectives, provided that elevations do not drop below the elevations listed for the ~~following~~approaching month ~~according to~~in Table 2 of Section 2.5.5 of the Water Code. During drought, PPL may, at the Commission's direction, operate for power production when the lake elevation is above the ~~following~~ first-of-month "normal elevation" for the approaching month as defined in Table 2 and during a power emergency declared by the regional electric system operator (currently P.J.M. Interconnection, L.L.C.) regardless of lake elevation.

ii. Releases from the Mongaup reservoir system may be directed~~,~~ as needed to meet Trenton flow objectives, ~~following~~ in accordance with an operations rule curve based upon maximum available storage of 15.38 billion gallons for the total system and providing for refilling the

system during the worst hydrologic year of record, maintaining a minimum release and maintaining minimum operating levels. In the absence of an operations rule curve for the Mongaup system, releases shall be made from Mongaup facilities at a ratio of approximately 1 to 2 to the quantity of releases directed from Lake Wallenpaupack.

iii. If the Montague flow objective exceeds the sum of the New York City Delaware River Basin reservoir conservation releases plus uncontrolled flow at Montague by 350 cfs or more, then 350 cfs from the total Wallenpaupack and Mongaup directed releases shall be credited toward the Montague flow objective, and any additional releases required to meet the Montague flow objective shall be made from the New York City Delaware River Basin reservoirs.

iv. If the Montague flow objective exceeds the sum of New York City Delaware Basin reservoir conservation releases plus uncontrolled flow at Montague by less than 350 cfs, then an amount from the total Wallenpaupack and Mongaup directed releases, which is equal to the difference between the Montague flow objective and the sum of New York City conservation releases plus uncontrolled flow at Montague, shall be credited toward the Montague flow objective, and no additional releases shall be required from the New York City Delaware Basin reservoirs to meet the Montague flow objective.

f. In selecting the reservoir operations plan and release schedules to be implemented, the parties will consider the following factors:

i. Lake Hopatcong is a privately-owned non-utility lake.

ii. The water in any reservoir or lake may not be available if under the provisions of a declaration of a drought emergency either within or outside of the basin by the Governor of New York, New Jersey, or Pennsylvania, such facility has been identified to provide supplies for essential health and safety purposes.

iii. There are flow constraints imposed by the outlet works.

iv. There are release limitations due to potential flooding conditions downstream.

v. The season and seasonal hydrologic conditions.

vi. The status of storage and probability of refill or drawdown for each reservoir.

vii. The status of demands upon each reservoir.

viii. The impact of drought operations upon the authorized uses of each reservoir.

ix. The condition of other water supplies, storage or sources available to the owners and operators of each reservoir.

x. The variable impact of observed and expected drought conditions in the drainage areas for each reservoir.

xi. Salinity intrusion in the Delaware Estuary.

xii. Releases shall be made from storage to maintain the minimum Trenton streamflow objectives set forth in Table 2 of Section 2.5.3 F., in such quantities and at such times as determined by the Delaware River Basin Commission, and, in the case of the New York City reservoirs, as directed by the Delaware River Master, in accordance with the schedules and priorities set forth in the operating plan selected or modified by the parties under this section.

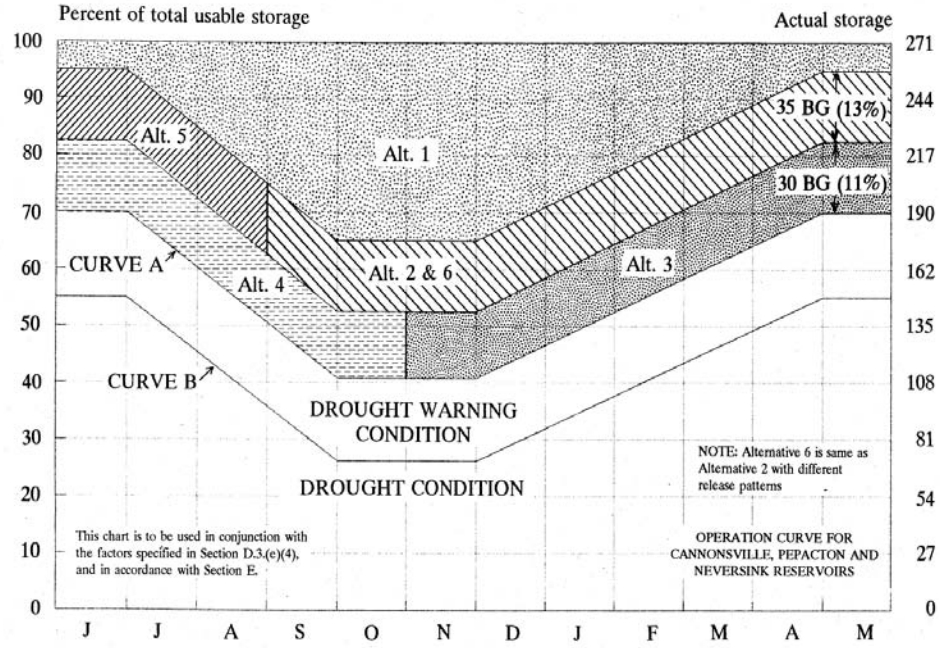
E. **Operations Alternatives for Lower Basin "Drought Emergency" When Basinwide Conditions are "Normal"** *(Resolution 88-22 Revised)*. When conditions are "normal" and storage in Beltzville Reservoir falls below elevation 590 m.s.l. (38.0% of storage capacity) and storage in Blue Marsh Reservoir falls below elevation 273 m.s.l. (36.8% of capacity) and storage in the reservoirs remains below these ~~such~~ levels, respectively, for three consecutive days, the Delaware River Basin Commission shall, pursuant to Article 10.4 of the Compact, declare a lower basin "drought" emergency condition, ~~in the lower basin~~ and the following ~~provisions~~ shall automatically be placed in effect:

1. **New Jersey Diversion.** The total diversion by New Jersey during lower basin "drought emergency" conditions shall not exceed a running average of 85~~65~~ mgd~~,~~ for the continuous period commencing on the first day following declaration of the lower basin "drought emergency", with the diversion on any day not to exceed 120 mgd.

2. **Trenton Flow Objective.** During lower basin "drought emergency" conditions, the minimum basic rate of flow ~~streamflow objective~~ at the U.S.G.S. gaging station located at Trenton, N.J. shall be established as set forth in Table 2 of Section 2.5.3 in accordance with the seven-day average location of the 250 mgl isochlor (the "salt front") in the Delaware Estuary.

3. **Operations Alternatives.** The alternatives for lower basin "drought emergency" operations presented herein vary considerably and were specifically designed to be able to address the wide range of conditions which may occur. For example, if a lower basin "drought emergency" triggers and the upper basin reservoirs are nearly full, then upper basin reservoirs may play a more significant role in helping to solve the lower basin crisis. On the other hand, if the lower basin is in a "drought emergency" condition and the basin as a whole is about to enter a "drought watch~~warning~~" condition, then it would be appropriate to look to other sources such as power dams or recreation reservoirs for assistance. In that case, early mobilization of these additional sources would significantly reduce the severity of basinwide "drought emergency" conditions should they occur. A schematic guide for selecting alternatives for lower basin "drought emergency" operations is presented in Figure 1a.

Figure 1a. A GUIDE FOR SELECTING ALTERNATIVES FOR LOWER BASIN DROUGHT PLAN OPTIONS



a. Factors which would indicate the most favorable conditions for each alternative are presented below in the column entitled Indications. The corresponding operations alternatives each present the order of priority* of augmented reservoir releases to maintain Trenton flow objectives and are located in the column entitled Operations.

i. Alternative 1

Indications	Operations
Application of Alternative 1 is indicated if the general hydrologic condition of the upper basin is much better than the lower basin, based on various drought indicators, including precipitation, streamflow, ground water levels and reservoir storage. Under these conditions storage in the New York City Delaware River Basin reservoirs would be high (i.e., 65 bg above the "drought watch~~warning~~" line), with a low projected demand on the reservoirs. Storage in the New York City non-Delaware reservoirs would also be high. Under these conditions, Alternative 1 calls for New York City Delaware storage to be used heavily because there would not be a significant risk of drawdown triggering ~~a~~ basinwide "drought emergency" ~~condition~~operations. This alternative would use water which would otherwise likely spill later during the water year.	1. Impound and use temporary storage in F.E. Walter and Prompton, if available. 2. Make additional releases from New York City Delaware Reservoir storage in excess of 80 bg above "drought watch~~warning~~" without compensation, and in excess of 65 bg above "drought watch~~warning~~" with 50% compensation if storage subsequently drops below 65 bg above "drought watch~~warning~~", to augment Delaware River flow. 3. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)**. 4. Make 10 bg of additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow. 5. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 919 (1.9 bg) at a maximum release rate of 75 cfs. 6. Make 10 bg of additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow. 7. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs. 8. Make 10 bg of additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow.

9. Make releases from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from Mongaup storage****** subject to minimum operating levels.

10. Make releases from Beltzville, Blue Marsh**** and Nockamixon to elev. 537, 261 and 325.5 respectively at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 915.2 (2.4 bg) at a maximum release rate of 75 cfs.

---

* To be followed after the "excess release bank" has been exhausted. Order of priority would be reversed for coming out of ~~a~~ drought operations~~condition~~.

** Loss of recreation below this level.

*** New York City would be credited this water against the following year's "excess release quantity" unless there is an intervening spill condition. In addition, these releases would only be made when New York City Delaware reservoir storage is more than 30 billion gallons above the "drought watch~~warning~~" curve. The maximum cumulative amount of these releases is 30 bg.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

*** New York City would be credited this water against the following year's "excess release quantity" unless there is an intervening spill condition. In addition, these releases would only be made when New York City Delaware reservoir storage is more than 30 billion gallons above the "drought watch~~warning~~" curve. The maximum cumulative amount of these releases is 30 bg.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

E.3.a. (continued)

ii. Alternative 2

Indications

Use of Alternative 2 is indicated if the general condition in the upper basin is moderately favorable (i.e., storage at least 30 bg above "drought watch~~warning~~" and less than 65 bg above "drought watch~~warning~~"). This plan involves extra releases from the New York City reservoirs to assist lower basin conditions. In the event that the City reservoirs drop to less than 30 bg above "drought watch~~warning~~," then releases from the power dams would be used instead. Because such releases would tend to increase the risk of the basin entering "drought watch~~warning~~," this option should only be considered if it triggers after September 1, when the risk of drawing the basin into "drought watch~~warning~~" ~~conditions~~ operations is reduced. This would limit the amount of time water would be needed as well as increase the probability of refill before serious drawdown occurred.

Operations

1. Impound and use temporary storage in F.E. Walter and Prompton, if available.

2. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)**.

3. Make 10 bg of additional releases from New York City Delaware reservoirs to augment Delaware River flow. To the extent New York City Delaware reservoirs are unavailable, make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

4. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon at maximum total release rate of 200 cfs, and releases from Lake Hopatcong***** to elev. 919 (1.9 bg) at a maximum release rate of 75 cfs.

5. Make 10 bg of additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow. To the extent New York City Delaware reservoirs are unavailable, make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

** Loss of recreation below this level.

*** New York City would be credited this water against the following year's "excess release quantity" unless there is an intervening spill condition. In addition, these releases would only be made when New York City Delaware reservoir storage is more than 30 billion gallons above the "drought watch~~warning~~" curve. The maximum cumulative amount of these releases is 30 bg.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

Operations

6. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs.

7. Make 10 bg of additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow. To the extent New York City Delaware reservoirs are unavailable, make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

8. Make releases from Beltzville, Blue Marsh**** and Nockamixon, to elev. 537, 261 and 325.5 respectively, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 915.2 (2.4 bg) at a maximum release rate of 75 cfs.

*** New York City would be credited this water against the following year's "excess release quantity" unless there is an intervening spill condition. In addition, these releases would only be made when New York City Delaware reservoir storage is more than 30 billion gallons above the "drought watch~~warning~~" curve. The maximum cumulative amount of these releases is 30 bg.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

E.3.a. (continued)

iii. Alternative 3

Indications

This alternative uses only lower basin reservoirs (i.e., located below Montague) and does not involve the use of New York City or upper basin power reservoirs. This alternative provides the least amount of storage with which to work. Two conditions combined would indicate that application of Alternative 3 is appropriate - (1) the New York City Delaware River Basin reservoirs are very close to entering the ~~a~~ "drought watch~~warning~~" ~~condition~~ level (i.e., storage in New York City Delaware reservoirs is less than 30 bg above the "drought watch~~warning~~" line when lower basin "drought" triggers) and the non-Delaware River Basin New York City supplies are low; and (2) the lower basin "drought" occurs very late in the season (i.e., after November 1). Under these seasonal conditions, the likelihood of the lower basin reservoirs emptying before the natural refill period is low, and the required releases most likely can be made from the limited remaining contents of the lower basin reservoirs.

Operations

1. Impound and use temporary storage in F.E. Walter and Prompton, if available.

2. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)** and release from Lake Hopatcong to elev. 919 (1.9 bg) at a maximum release rate of 75 cfs.

3. Make releases from Beltzville, Blue Marsh**** and Nockamixon, to elev. 537, 261, and 325.5 respectively, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 915.2 (2.4 bg) at a maximum release rate of 75 cfs.

** Loss of recreation below this level.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

E.3.a. (continued)

iv. Alternative 4

Indications

This alternative calls upon the upper basin power company reservoirs for assistance. This alternative would be indicated when the New York City Delaware River Basin reservoirs are less than 30 bg above the "drought watch~~warning~~" line and the lower basin triggers before November 1, thereby increasing the probable need for additional water. In this case, the basin would have a high probability of entering ~~a~~ "drought watch~~warning~~" ~~condition~~operations, thus the City storage should be conserved.

Operations

1. Impound and use temporary storage in F.E. Walter and Prompton, if available.

2. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)**.

3. Make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

4. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 919 (1.9 bg) at a maximum release rate of 75 cfs.

5. Make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

6. Make releases from Beltzville, Blue Marsh**** and Nockamixon, to elev. 537, 261 and 325.5 respectively, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 915.2 (2.4 bg) at a maximum release rate of 75 cfs.

** Loss of recreation below this level.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

E.3.a. (continued)

v. Alternative 5

Indications

This option proposes the early use of upper basin power company reservoirs followed much later by the use of New York City storage. If a lower basin "drought" triggered early in the year (i.e., before September 1) and City storage were only 30 to 65 bg above "drought watch~~warning~~" then there would be a distinct risk of the basin entering "drought watch~~warning~~" later and a strong chance that the lower basin reservoirs could be exhausted. This option, using upper basin power company storage to conserve lower basin and New York City storage for later use, addresses these possibilities.

Operations

1. Impound and use temporary storage in F.E. Walter and Prompton, if available.

2. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)**.

3. Make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

4. Make releases from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 919 (1.9 bg) at a maximum release rate of 75 cfs.

5. Make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

6. Make total of 5 bg release from Beltzville, Blue Marsh**** and Nockamixon, at maximum total release rate of 200 cfs.

7. Make additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow.

8. Make releases from Beltzville, Blue Marsh**** and Nockamixon to elev. 537, 261 and 325.5 respectively, at maximum total release rate of 200 cfs, and release from Lake Hopatcong***** to elev. 915.2 (2.4 bg) at a maximum release rate of 75 cfs.

** Loss of recreation below this level.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

E.3.a. (continued)

vi. Alternative 6

Indications

This option is similar to Alternative 2 except that New York City releases would be made concurrently with releases from lower basin storage on a 50-50 basis. The conditions under which it would be most appropriate would be similar to those for Alternative 2.

Operations

1. Impound and use temporary storage in F.E. Walter and Prompton, if available.

2. Nockamixon from elev. 395 to elev. 385 (68.7%/4.1 bg)**. Make additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow, equal to and simultaneous with releases from Nockamixon; to the extent New York City storage is unavailable, make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir System****** subject to minimum operating levels.

3. Make releases from Beltzville, Blue Marsh**** and Nockamixon to elev. 537, 261 and 325.5 respectively, at maximum total release rate of 200 cfs, and release from Lake Hopatcong to elev. 915.2 at a maximum release rate of 75 cfs. Make additional releases from New York City Delaware Reservoirs*** to augment Delaware River flow, equal to and simultaneous with releases from Beltzville, Blue Marsh, Nockamixon and Hopatcong; to the extent New York City storage is unavailable. Make releases for Trenton from Lake Wallenpaupack subject to the elevation schedule, and make proportional releases from the Mongaup Power Reservoir system****** subject to minimum operating levels.

** Loss of recreation below this level.

*** New York City would be credited this water against the following year's "excess release quantity" unless there is an intervening spill condition. In addition, these releases would only be made when New York City Delaware reservoir storage is more than 30 billion gallons above the "drought watch~~warning~~" curve. The maximum cumulative amount of these releases is 30 bg.

**** Sufficient storage would be retained to supply the needs of the Western Berks Water Authority, required conservation releases and water quality augmentation needs on the Schuylkill River.

***** Use of water from Lake Hopatcong is subject to the considerations set forth in Subsection 2.5.6 D.3.f.

****** Releases will be made from Lake Wallenpaupack and the Mongaup Power Reservoir System simultaneously and approximately in a two to one ratio, respectively.

4. **Reduction of Conservation Releases.** In order to conserve storage, conservation releases from the listed lower basin reservoirs shall continue to be modified in accordance with Table 4 of Section 2.5.5 for the duration of ~~a~~ lower basin "drought" ~~condition~~operations.

5. **Conservation Measures.** Upon the declaration by the Commission of a lower basin "drought" emergency, the lower basin states shall adopt and implement within the basin drainage area below Montague comparable mandatory conservation measures, including restrictions on non-essential water uses, and shall implement other provisions of "drought" contingency plans designed to achieve a target of 15 percent reduction in depletive water use. The following water uses shall be deemed non-essential:

   a. Serving of water to any patron of a restaurant, club or other eating place unless specifically requested by such patron.

   b. The use of water for ornamental purposes.

   c. The use of water for washing paved surfaces such as streets, sidewalks, outdoor plazas, driveways, garages, parking areas and patios.

   d. The use of water for non-commercial washing or cleaning of vehicles except for the windshields and windows and except for emergency vehicles.

   e. The use of water for watering of established lawns (i.e., those not newly seeded, sodded or fertilized).

   f. The use of water for watering or sprinkling any part of a golf course except for tees, greens, and aprons.

   g. The use of water for watering non-commercial outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants except: water may be applied with a bucket, can or hand-held hose equipped with automatic shut-off valve.

6. **Ending "Drought Emergency."** When the storage levels in Beltzville and Blue Marsh Reservoirs simultaneously exceed their respective lower basin "drought" storage levels for 30 consecutive days or either one of those reservoirs spills, the lower basin "drought" operation shall automatically terminate and either lower basin "drought warning" or normal operations shall be resumed in accordance with Section B. or C. unless the Decree parties unanimously agree otherwise.

F. **Operations During Basinwide Drought Watch, Drought Warning, or Drought Emergency Following Lower Basin Drought Warning or Drought** *(Resolution 88-22 Revised)*.

1. **Selection of Alternate Plans.** If, following the triggering of a lower basin "drought" or lower basin "drought warning" under this plan, the combined storage in the New York City Delaware Basin Reservoirs declines to basinwide "drought watch", "drought warning", or "drought emergency" ~~conditions~~ operations as defined in Section 2.5.3, the parties to the 1954 Decree shall select and agree to, and the Delaware River Basin Commission shall implement, the provisions of either Section F.2. or F.3. of this Plan.

In the absence of unanimous agreement, the operating rules set forth in Section 2.5.3 shall govern. The parties may by unanimous agreement modify and adjust either plan as necessary and appropriate to respond to actual conditions. In selecting between the alternative plans, and any modification thereto, the parties will consider the following factors:

a. The extent and severity of drought conditions in various parts of the basin.

b. The season, and seasonal variation of hydrologic conditions.

c. The status of storage in all affected reservoirs, and the probability of refill or drawdown for each reservoir.

d. The status of demands upon each reservoir.

e. The lead time needed to effect conservation measures and to reduce demand.

f. The prior availability of time and notice to provide for adequate warning and preparation for drought response actions.

g. The need and ability to take expedited steps to conserve storage in the New York City and other basin reservoirs.

2. **Combined Drought Operations Plan 1.**

a. The schedules of phased reductions governing the maximum allowable rates of diversion of waters of the Delaware Basin by New York City, the minimum compensating releases to be made by the City of New York Delaware Basin Reservoirs, and the streamflow objectives at the U.S.G.S. gaging station located at Montague, NJ, shall be as prescribed in Section 2.5.3.

b. The operation of Lake Wallenpaupack and the Mongaup System Reservoirs shall be governed by the storage and release schedules prescribed in the ~~operating~~ plan for basinwide "drought emergency" ~~conditions~~operations. The Commission may delegate to the River Master responsibility for directing operation of the Lake Wallenpaupack and Mongaup facilities under the release schedules and drought management policies of the Commission.

c. So long as lower basin "drought warning" or lower basin "drought" ~~conditions~~ operations ~~prevail~~ are in effect simultaneously with basinwide "drought watch", "drought warning" and "drought emergency" ~~conditions~~operations, the maximum allowable rates of diversion of Delaware Basin waters by New Jersey, the streamflow objectives at the U.S.G.S. gaging station located at Trenton, NJ, and the operation of storage in Beltzville Reservoir, Blue Marsh Reservoir, Lake Nockamixon, Lake Hopatcong, and any storage made available in the F.E. Walter and Prompton Reservoirs shall be governed by the stricter of the provisions of Sections C. and D. of the Lower Delaware Basin Operating Plan, or the provisions of Section 2.5.3, which permit ~~lesser~~ lower New Jersey diversions and lower Trenton Flow Objectives.

3. **Combined Drought Operations Plan 2.**

a. If during the period May 1 to November 30, ~~the combined storage in~~ the New York City Delaware ~~River~~ Basin ~~R~~reservoirs ~~is~~ are in ~~the~~ "drought watch" ~~n the upper half of the "drought warning" condition~~operations as ~~identified~~ defined by~~in~~ Figure 1 of Section 2.5.3, the maximum allowable rates of diversion of waters of the Delaware by New York City, the minimum compensating releases to be made by the New York City Delaware ~~River~~ Basin ~~R~~reservoirs, and the streamflow objectives at the U.S.G.S. gaging station located at Montague, NJ, shall be as pres~~cribed for the cribed for lower half~~ "drought warning" ~~zone~~level in Tables 1 and 2 of Section 2.5.3. If the combined storage in the New York City Delaware ~~River~~ Basin reservoirs subsequently ~~enters~~triggers ~~the lower half of the~~ "drought warning" ~~condition~~ operations ~~identified~~ in accordance with Figure 1 of Section 2.5.3, the maximum allowable rate of diversions of the Delaware Basin by New York City, the minimum compensating releases to be made by the New York City Delaware ~~River~~ Basin reservoirs, and the streamflow objectives at the U.S.G.S. gaging station located at Montague, NJ, shall be as prescribed for "drought emergency" in Tables 1 and 2 of Section 2.5.3.

b. If during the period December 1 to April 30, the combined storage in the New York City Delaware Basin Reservoirs falls within the "drought watch" or "drought warning" levels identified in Figure 1 of Section 2.5.3, the maximum rates of New York City diversions, the minimum compensating releases made by the New York City Delaware River Basin Reservoirs, and the Montague streamflow objectives shall be as prescribed for the applicable "drought watch" and "drought warning" ~~upper and lower half conditions~~operations set forth in Tables 1 and 2 of Section 2.5.3. Any subsequent triggering of basinwide "drought emergency" ~~conditions~~ operations shall be governed by Figure 1 of Section 2.5.3.

c. So long as lower basin "drought warning" or lower basin "drought emergency" conditions prevail simultaneously with a basinwide "drought watch" or "drought warning" condition, the maximum rate of diversion by New Jersey, the minimum streamflow objectives at Trenton, and the operation of available storage in Beltzville Reservoir, Blue Marsh Reservoir, Lake Nockamixon, Lake Hopatcong, and the F.E. Walter and Prompton Reservoirs shall be governed by the provisions of Sections C. and D. of the Lower Delaware Basin Drought Operating Plan.

d. In the event that ~~following the triggering of a~~ lower basin "drought warning" or lower basin "drought emergency~~,~~" operations have been triggered and ~~,the~~ combined storage in the New York City Delaware ~~River~~ Basin Reservoirs ~~is in the~~ reaches the "drought emergency" level~~s~~ identified in F.3.a. ~~and~~ or b., whichever is applicable, the maximum rate of diversions by New York City and New Jersey, the minimum rates of compensating releases, and the minimum streamflow objectives at Montague, NJ and Trenton, NJ shall be those set forth in Tables 1 and 2 of Section 2.5.3. ~~The operation of all basin reservoirs shall be as prescribed in the plans for basinwide d~~Drought emergency ~~reservoir~~ operations shall be in effect for all basin reservoirs.

e. The operation of Lake Wallenpaupack and the Mongaup System Reservoirs shall be governed by the storage and release schedules prescribed in the operating plan for basinwide "drought emergency" conditions. The Commission may delegate to the River Master responsibility for directing operation of the Lake Wallenpaupack and Mongaup facilities under the release schedules and drought management policies of the Commission.

[SUBSEQUENT SECTIONS ARE UNAFFECTED BY THE FFMP.]