

6/26/96

NO. 96-5

A RESOLUTION to extend the approval of Docket No. D-77-20 CP (REVISION NO. 2).

WHEREAS, the Delaware River Basin Commission with the unanimous concurrence of the parties to the 1954 U.S. Supreme Court Decree approved "Modification To The Schedule Of Release Rates From Pepacton and Neversink Reservoirs" on June 23, 1993; and

WHEREAS, the revised schedule of release rates is described in DRBC Docket No. D-77-20 CP (REVISION NO. 2); and

WHEREAS, the "PROCEEDINGS" section of that Docket No. D-77-20 CP (REVISION NO. 2) describes the modified release rates as an experimental program to be tried for up to three years; and

WHEREAS, New York Department of Environmental Conservation anticipated that experimental program would be modified during the three year interim period to reflect the installation of new valves at Cannonsville; and

WHEREAS, installation of the new valves was delayed, and a revised experimental program could not be developed, approved and implemented during the three year period; and

WHEREAS, New York Department of Environmental Conservation has determined that the limited experimental program to date has demonstrated benefits to the aquatic environment and it would be beneficial to continue the existing experimental release program until the revised experimental program is submitted and approved; and

WHEREAS, the Commissioners, with the unanimous concurrence of the parties to decree, directed the Executive Director to issue an emergency approval to continue implementation of the existing experimental release program, pending final review, hearing and determination by the Commission; and

WHEREAS, a public hearing on this resolution was held on June 26, 1996; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

The Delaware River Basin Commission hereby extends the approval of Docket No. D-77-20 CP (REVISION NO. 2) "Modifications To The Schedule Of Release Rates From Pepacton and Neversink Reservoirs" for a period of up to one year. This extension of docket approval includes all conditions listed in the "DECISION" of that docket approval.

/s/ Steven P. Nieswand
Steven P. Nieswand, Chairman pro tem

/s/ Susan M. Weisman
Susan M. Weisman, Secretary

ADOPTED: June 26, 1996