

Statement by NJ Regarding Status of FFMP Negotiations

12/3/2015 RFAC Meeting, Hawley PA

Equitable management of the shared water resources of the Delaware basin is a key priority for New Jersey. In order to accomplish this goal, the next water management agreement must utilize the best available science and data, be based upon a thorough and transparent evaluation of all of the components of the agreement, and incorporate the concept of equitable apportionment as established by the 1954 Supreme Court Decree. This is an achievable goal and will result in enhancements to flood mitigation procedures, increased ecologic protections, and more sustainable and resilient water supplies for all the Parties.

While many of the incremental changes discussed over the course of the negotiations, such as ramping, thermal mitigation, or modifications to the CSSO procedures, are reasonable and obtainable, NJ does not believe that piecemeal change to the FFMP is the appropriate course of action. Rather, a comprehensive reassessment of the entire agreement is needed; a reassessment which considers all of the Parties' objectives and which evaluates the individual and net risk and benefit of each objective. The reassessment must consider the complexities of NYC's entire reservoir system and its safe yield.

NJ has negotiated in good faith over the course of the last several years and has brought detailed data, models, and recommendations to the Parties. Despite this effort, not all parties have been willing to address this information and resolve our concerns. As a result, NJ has determined that engaging non-Decree Party groups, governments, and individuals about the benefits and risks of the current program and to identify opportunities to improve the water management program for all of the basin's stakeholders is justified. The Parties were informed of this in a letter from NJ Department of Environmental Protection Commissioner Bob Martin to NYC Department of Environmental Protection Commissioner Emily Lloyd on October 27, 2015.

Safe and reliable water supplies now and in the future are critical, but multiple objectives can be met without measureable risk. NJ will continue to negotiate in good faith with decree party members, the Delaware River Master, and the Delaware River Basin Commission and engage interested parties to resolve these issues and develop a flow management program that is truly equitable, flexible and reliable. Comprehensive reassessment rather than piecemeal change is the only way to achieve this goal.