



## Delaware River Basin Commission

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### **WATER MANAGEMENT ADVISORY COMMITTEE MEETING July 16, 2003**

#### **COMMITTEE MEMBERS PRESENT:**

Jan Bowers	Chester County WRA
William Gast	PA Department of Environmental Protection
Joseph Miri	NJ Dept. of Environmental Protection
Bob Molzahn	Water Resources Association
Ronald Sloto	U.S. Geological Survey
Ferdows Ali*	NJ Dept. of Agriculture
Mary Ellen Noble	Delaware Riverkeeper Network
Bruno Mercuri	Mercuri & Associates, Inc.
Leroy Young	Pennsylvania Fish & Boat Commission
John Mello	U.S. EPA, Region II
Howard Neukrug	Philadelphia Water Department
Kurt Rieke *	NYC DEP

#### **OTHER ATTENDEES:**

Russ Furnari,	PSE&G
Rich Horwitz	Academy of Natural Sciences

#### **DRBC STAFF:**

David Sayers	Planning & Implementation Branch
Ken Najjar	Head, Planning & Implementation Branch
Jessica Sanchez	Basin Planner

\*Denotes alternate or non-official member.

#### **CALL TO ORDER:**

The meeting was called to order by Chairwoman Jan Bowers at 9:40 am. Ms. Bowers asked staff for clarification on the definition of a quorum according to the WMAC bylaws. David Sayers reported to the Committee that, according to the WMAC rules of procedure adopted July 10<sup>th</sup>, 2001, a quorum was defined as 51% of the members (i.e., 11 members). Ms. Bowers noted that there are currently four vacancies on the WMAC membership list and questioned if the quorum was 51% of 16 (current members) or 20 (the number of members assigned by resolution to the Committee). Bruno Mercuri noted that each member was supposed to nominate an alternate and also designate a proxy if they were unable to attend the meeting, but this has not generally happened. Bill Gast asked for an update on DRBC's efforts to appoint new members. David Sayers reported that 4 letters had been sent to those members who had a poor attendance record:

**Howard Neukrug:** Agreed to try to attend more meetings

**Bernard Dworsky:** Appointed Dr Tom Sims, University of Delaware, in his place. Dr. Sims sends apologies for his absence today.

**Warren Liebold:** Advised that he was not the appropriate person to attend to represent NYC – suggested DRBC contact Mike Principe.

**Peggy Haskin:** No response to letter or phone messages.

NJ Dept. of Agriculture was contacted, by letter, to make official appointment to WMAC.

Ferdows Ali has been attending meetings, but is not an official member.

DRBC is currently seeking a member to represent the water utility sector and has contacted New Jersey American

To continue with this meeting, staff contacted Debbie Lord, who gave her proxy vote to Chairwoman Bowers. Ms. Bowers summed up the sentiment of the Committee by asking the Commission to expeditiously appoint named members for those sectors that do not have members appointed.

### **REVIEW OF MINUTES AND APPROVAL OF AGENDA**

Minutes from the May 7th meeting were reviewed. Mary Ellen Noble moved to approve the minutes, Bill Gast seconded that motion and the minutes were approved. The agenda was reviewed by the committee and approved.

### **INSTREAM FLOW NEEDS STUDY / SEF**

Colin Apse joined the discussion by phone. David Sayers introduced this discussion item noting that on July 8th the Flow Management Technical Advisory Committee (FMTAC) had discussed the creation of a sub-committee to look at the issue of ecological flows throughout the Basin. In the past FMTAC has primarily been concerned with upper-Basin, regulated flows. The issue is of importance to WMAC because of its own efforts, led by Leroy Young and driven by the Basin Planning process, to develop a methodology to determine instream flow needs for the Basin as a whole. Bill Gast added that the proposed SEF committee evolved from the proposal by Colin Apse of the Nature Conservancy to examine ecological flow needs primarily in the tail waters of the three NY city reservoirs. However, the scope of SEF expanded to include regulated flows in the lower portion of the Basin, which should also receive attention. During discussion at the FMTAC work group meeting it was proposed that one committee deal with all ecological flow issues (regulated and non-regulated) to avoid having two separate committees, recognizing there is a degree of overlap between the two initiatives. Bill Gast also noted that SEF will not be a typical sub-committee as it will not simply take a sub-set of members from FMTAC (and WMAC). The majority of members will likely come from those already involved in Leroy's and Colin's instream flow needs efforts. Jan Bowers suggested it would be useful to include a reference to previous WMAC work, related to instream flow needs, in the SEF resolution, which will subsequently be acted on by DRBC Commissioners. Mary Ellen Noble was concerned that the FMTAC has traditionally taken a more narrow approach to flow management issues and, given that the SEF group has really evolved with upper basin issues in mind, Ms. Noble looked for assurances that WMAC issues would be given the necessary attention if it is solely under the guidance of FMTAC. Ken Najjar suggested including, in the resolution, a reference to the expected lifetime of the new committee, if this could be estimated. If the SEF is likely to become a permanent sub-committee this should also be indicated. Jan Bowers recommended that a representative of WMAC, other than one of the decree parties, be appointed to SEF, or liaison between the two committees.

Howard Neukrug wanted assurance that SEF would consider not just low-flows, but high flows, which can cause significant ecological problems in heavily urbanized areas. All agreed that this would be part of the scope. The membership of SEF is volunteer based, but most likely will be established with some direction by FMTAC. The method of funding this work remains unclear,

but it was generally agreed that the creation of SEF, as proposed, would only increase the chances of funding begin obtained. David Sayers asked Ken Najjar of DRBC staff if funding was likely to be available through Basin Planning process. Ken Najjar responded that there are a number of activities that require funding, but the instream flow study is certainly among the priorities.

Leroy Young confirmed that he would still remain a member of WMAC, although it is likely that he would designate a proxy vote or send an alternate unless fisheries issues were being discussed.

Bill Gast agreed to revise the resolution on the basis of the discussion and will distribute amended version by email.

### **BASIN PLAN ACTIVITY / KRA 1: OBJECTIVE LANGUAGE:**

Jessica Sanchez gave a quick update on the Basin Planning process: June 10<sup>th</sup>/11<sup>th</sup> the Watershed Advisory Council (WAC) met in Shawnee. At this meeting the objective language was looked at in detail and mostly agreed upon – with a few issues handed back to advisory committees for further discussion. The FMTAC met on July 8<sup>th</sup> to discuss a number of the issues that are also in front of WMAC today. Dr. Sanchez noted that for one objective – the existing Basin plan language regarding inter-basin transfers – it was decided (at FMTAC) that further committee discussion was unlikely to result in full agreement on objective language and that NJDEP and DRBC legal teams (and others as appropriate) would discuss this issue to find suitable wording for the Basin Plan. In total, the WAC directed five issues back to this committee for approval.

1.

***Reassess existing basin transfers (in to and out of the Basin) in light of changes, such as new water resource management strategies, technologies, storage, planning, and/or demand.***

2.

***Reassess existing watershed transfers in light of changes, such as new water resource management strategies, technologies, storage, planning, and/or demand.***

The rationale for including these two new objectives was discussed. Joe Miri stated that he considered such assessments or reassessments to be part of the water supply planning process rather than denoting any special or punitive consideration being given to transfers. With that understood, Mary Ellen Noble moved for approval of objective 1 (as above), motion was seconded by Howard Neukrug and the motion carried, with NYC DEP abstaining. Objective 2 (as above) was also approved, with the unanimous support of the committee.

3.

**Integrate consideration of flow needs regime to support water-based recreation in the River and tributaries into allocation decision making.**

The above objective (3) had also been discussed by FMTAC relating to consideration of recreation needs. The above language shows the objective and its proposed amendment. It was agreed that flow regime better captured the multiple characteristics that make up “flow”, i.e., magnitude, timing, duration, frequency etc. (It was noted that this definition should be added to the Basin Plan glossary.) The proposed change met with full approval of the committee.

4.

**Ensure supplies for projected public and self-supplied domestic, commercial, industrial and agricultural water demands under normal hydrologic conditions through 2030.**

The WAC recommended WMAC discuss the above objective (4). The reason this was returned for further committee discussion was the concern that the objective was not compatible with the standard approach to water supply planning which is to plan for drought conditions. However, changing this to reference drought conditions was problematic because of the use of “ensure”. Mary Ellen Noble stated her concern that the objective could imply that we will plan to meet every demand under drought conditions, it did not take into account the fact that we need to manage demand as well as supply. Bill Gast added that ensuring supplies for drought of record would leave a vast surplus most of the time. As well as being costly, such an approach may also be incompatible with other objectives, such as maintaining ecological flows, and there needs to be further discussion of exactly what demands would be met (needs versus wants). This issue also stresses the difficulty of looking at any one individual objective in isolation, out of context with the rest of the plan. Following lengthy discussion it was decided to keep the word ensure in the objective but remove the reference to any specific hydrologic condition. Making water demand projections and assessments of supply adequacy are necessarily complex activities and should be undertaken for a range of conditions and the committee eventually agreed that it could remain unspecified. New language was approved as follows:

**Ensure supplies for projected public and self-supplied domestic, commercial, industrial and agricultural water demands ~~under normal hydrologic conditions~~ through 2030.**

5. Definition of Ecological Integrity.

*The presence of structural, compositional, and functional characteristics throughout the natural range of variability for a particular ecological system. Ecological integrity is a means of assessing the condition or health of a site or system by the comparison of its biological, physical and chemical structures and functions to those of unimpacted, least impacted or representative (“reference”) systems or sites within a region.*

The Committee voted to approve the definition; Ferdows Ali abstained from the vote.

Jessica asked the Committee for approval to let staff contact either Leroy Young or Ron Sloto, who could offer advice on behalf of the committee, in the event that a further question should arise over the definition of Ecological or Hydrologic integrity. The Committee gave their approval.

**MEETING ADJOURNED:**

The meeting concluded at 12:30pm. The next meeting is scheduled for September 29, 2003.