

# Briefing on DRBC Withdrawal of Proposed Amendments to the Water Code and Comprehensive Plan to Implement the FFMP

Regulated Flow Advisory Committee Meeting  
December 11, 2008

William J. Muszynski

# On December 10, 2008, The Commissioners

- Voted to withdraw the FFMP amendments to Water Code and Comprehensive Plan proposed on December 3, 2007
- Directed Commission staff to develop proposed new amendments to the Water Code and the Comprehensive Plan by/or in the summer of 2009 or as soon as practicable.
- Once the new proposed amendments to the Water Code and the Comprehensive Plan are drafted, the Commission will conduct a full notice and comment rule-making that will include a public comment period.

# New Amendments will consider the following:

- The Flood Analysis Model, currently being developed for the Commission by the combined efforts of the United States Geological Survey, United States Army Corps of Engineers Hydrologic Engineering Center, and the National Oceanic and Atmospheric Administration - National Weather Service;
- The OASIS Model, currently being updated with data through September 2006;
- The results of ongoing studies of the Dwarf Wedge Mussels and their habitat requirements currently being conducted for the United States Fish and Wildlife Service;
- The experience gained with the FFMP operation including investigation of alternative parameters and scenarios and their risks and sustainability; and,
- The comments received on the proposed amendments to the Water Code and Comprehensive Plan during the public comment period which ended on March 3, 2008.

## Envisioned proposed amendments to the Water Code and the Comprehensive Plan will:

- provide standards for operation of the NYC Delaware Basin Reservoirs and,
- be less prescriptive than the previous proposal that contained detailed operational requirements
- provide for full public notice and comment with respect to any major modifications of the reservoir operating program.

## Envisioned proposed amendments to the Water Code and the Comprehensive Plan will:

- allow for flexible, timely adjustments to address:
  - real time conditions
  - incorporate recommendations resulting from new information, including the annual review of FFMP implementation, modeling simulations and other sources.
- include modifications to the release schedules that may be necessary to respond to
  - the immediate climatic, river flow and temperature conditions
  - maintenance requirements for which modifications need to occur within a short time frame and on a timelier basis.

# The reservoir operators should have flexibility to:

- make future timely adjustments that include modifications to the release schedules in response to needs of key biological species;
- reflect climatic conditions, river flow and temperature conditions;
- make short-term operating changes to accommodate maintenance and repair needs, etc.

- Major modifications would benefit from public input and discussion.
- The regulation and significant operational changes will be subject to public notice and comment.