

A RESOLUTION re-establishing the Subcommittee on Ecological Flows (SEF) of the Delaware River Basin Commission's Regulated Flow Advisory Committee (RFAC) for the purpose of providing the RFAC with scientific and technical information and advice about ecological flow goals and the effects of flow management programs on habitat and ecological health.

WHEREAS, the 2017 Flexible Flow Management Plan (2017 FFMP) for the New York City River Basin Reservoirs provides for studies to evaluate the impacts and conditions resulting from various flow management scenarios in the Delaware River Basin; and

WHEREAS, the Commission, RFAC, and stakeholders concur that conditions and knowledge about the ecology of the Delaware River Basin have evolved over the past several decades and that a process is needed to collect, evaluate, and synthesize for the benefit of the RFAC the latest technical and scientific research and information on the effects of flow management programs on habitat and ecological health; and

WHEREAS, such a synthesis should include the spectrum of issues raised and inputs offered by stakeholders on matters of interest to the RFAC; and

WHEREAS, a sub-committee process will provide an efficient means of synthesizing for the RFAC the available research and information on ecological flow goals and implementation matters within its scope of concern, so that the RFAC can provide the Commission with informed advice on these matters; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is authorized and directed to:
  - a. Convene a Sub-committee on Ecological Flows (SEF), constituted as set forth in paragraph 4 below, to advise the Commission's Regulated Flow Advisory Committee (RFAC); and
  - b. Provide the SEF with staff technical support for a collaborative process among members of the SEF and RFAC to explore the effects of regulated flows on habitat and ecological health in the East and West Branches and main stem Delaware River and the Neversink River to inform the 2017 and future Flexible Flow Management Programs (FFMPs).
  - c. Provide a staff liaison to assist the SEF's chair in scheduling meetings, developing and distributing agendas, and preparing meeting summaries and recommendations to the RFAC.

2. The objectives of the SEF shall be to provide scientifically-based information and recommendations to the RFAC, as requested, with regard to:
  - a. flows for the maintenance of healthy aquatic ecosystems, including consideration of water quality impacts over a range of regulated flows;
  - b. sensitive species that could be impacted by regulated flows;
  - c. flow regimes, thermal mitigation and flow change mitigation;
  - d. the effects of existing and proposed regulated flows on habitat and ecological health;
  - e. such other, related matters as the RFAC may deem necessary or appropriate.
3. The SEF shall advise and report directly to the RFAC, including providing regular reports on its progress with respect to the above enumerated tasks.
4. The SEF shall be constituted as follows:
  - a. Up to seven (7) of the SEF's members shall be individuals appointed by: the DRBC Commissioners or their Alternates representing Delaware, New Jersey, New York, Pennsylvania and the United States Government; the City of New York and the City of Philadelphia ("Reserved Members"), who possess expertise relevant to the charge provided by RFAC and the SEF objectives set forth in paragraph 2 above. Appointments of Reserved Members shall be of no prescribed duration.
  - b. The chair of the SEF shall be one of the seven Reserved Members as defined in paragraph 4.a. and may rotate among them if the Reserved Members so provide. The chair will serve as the SEF liaison to RFAC.
  - c. Up to six (6) members ("Non-Reserved Members") with expertise relevant to the charge provided by RFAC and the SEF objectives set forth in paragraph 2 above shall be appointed pursuant to the following procedure:
    - Nominations shall be considered from among the following stakeholder categories, based on relevant expertise: (i) environmental organizations; (ii) watershed organizations; (iii) fisheries organizations; (iv) business and industry; and/or (v) academia.
    - Nominees shall be submitted to the Executive Director, who shall make appointments upon review and approval of the nominees' qualifications in accordance with the Commission's procedure established by Resolution for the Minutes on March 16, 2016 for the appointment of members to DRBC advisory committees.

- Non-Reserved Members shall be appointed for terms of up to two (2) years, and may be re-appointed through the process outlined above.
  - d. SEF is encouraged to consult with and seek input from additional technical and topic-specific experts to meet the charge provided by RFAC and the SEF objectives on an as needed basis.
5. All meetings of the SEF shall be open to the public to encourage dialogue among technical experts and interested stakeholders.
  6. The SEF will have no authority other than to advise the RFAC, which in accordance with paragraph 8 of Resolution No. 2005-18 creating the RFAC, is itself a purely advisory body. The RFAC shall be under no obligation to utilize the SEF's recommendations or raise them to the Commissioners. Accordingly, creation of the SEF will not affect the diversions, releases, rights, conditions, obligations, and provisions for the administration thereof as provided in the 1954 Supreme Court Decree, and thus does not require the unanimous approval of the Decree Parties pursuant to section 3.3(a) of the Delaware River Basin Compact.
  7. The SEF will terminate on May 31, 2023 unless the RFAC recommends that it be continued and the Commission authorizes its continuation.
  8. This Resolution shall take effect immediately.

*/s/ Timothy D. Schaeffer*

\_\_\_\_\_  
Timothy D. Schaeffer, Chairman *pro tem*

*/s/ Pamela M. Bush*

\_\_\_\_\_  
Pamela M. Bush, J.D., Commission Secretary

Adopted: March 14, 2018