



**Delaware Riverkeeper Network comment on DRBC Resolution Reauthorizing
the Regulated Flow Advisory Committee's (RFAC) Subcommittee
on Ecological Flows (SEF) introduced 2.14.2018**

Delaware Riverkeeper Network has consistently emphasized that reservoir release programs need to both simulate the natural hydrologic patterns for the Delaware River and must be scientifically-based to protect the complement of sensitive native species thriving in the Delaware River mainstem.

In September 2017, when the Regulated Flow Advisory Committee (RFAC) meeting was hastily convened to announce the rough structure of a new Flexible Flow Management Program (FFMP) agreement following a summer when the Decree Parties had reverted back to the detrimental Rev1 release program, the Delaware Riverkeeper Network raised the call and rallied key voices to demand that the Subcommittee on Ecological Flows (SEF) be reconvened to examine the short-term and long-term implications of any proposed changes, and to assist the RFAC in its evaluation of the value of various ecological protections.

We applaud the DRBC, the Decree Parties, and the RFAC for recognizing the merits of our request and for moving quickly to reauthorize this key subcommittee. One important omission from the revised charge for SEF is the consideration of the "regulated flow" effects on the Neversink River system downstream of New York City's key reservoir of the same name. The Neversink River has been part of all research and management evaluation undertaken by SEF, and its inclusion in the SEF authorizing resolution is vital for comprehensively evaluating the FFMP and for maintaining the ecological health of these river systems under the influence of the regulated flows from New York City's reservoirs.

Also of importance is the make-up of the SEF and the objectives of the subcommittee. We suggest a change to its proposed constitution: the four "additional members" or "non-reserved members" should be appointed by the SEF rather than the Executive Director. It is very important that the SEF is able to bring in members on its own rather than rely on the Executive Director, to assure that the SEF can function primarily as a scientific committee with some degree of independence, while still being part of DRBC as a subcommittee of the RFAC.

We are very supportive of representation from the scientific community and the public that will provide robust participation from these “stakeholder” categories. Environmental organizations, community groups, fishery groups and academia are examples of the members of the public who will bring valuable input to the SEF. We also know that there are independent technical experts in ecological flow regimes that are not necessarily members of these four groups. In order to provide the in-depth and up to date technical input from which the SEF will benefit, we recommend the committee be expanded to 9 members to allow non-academia experts to serve.

Finally, over the past decade, Delaware Riverkeeper Network has advocated that water withdrawal dockets employ minimum flow requirements based not on the Q710 or on an additional safety margin added to the Q710 but on the habitat and seasonal ecological flow needs of our Watershed’s streams and rivers. This ecological approach is essential to protect water quality and the species that rely on complex ecologically-based natural flow regimes. This is especially true today as a body of science has emerged in recent years (since the cessation of the SEF) in support of river and watershed management based on ecological flow regimes.

Submitted by Tracy Carluccio

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Submitted as testimony 2.14.2018 and written comment 2.19.2018

Attachment: Letter from DRN to Decree Party & RFAC Members dated 9.26.2017