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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

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**HOUSE ARMED SERVICES COMMITTEE**

Subcommittee on Tactical Air and  
Land Forces

Subcommittee on Readiness

**HOUSE AGRICULTURE COMMITTEE**

Subcommittee on Conservation  
and Forestry

Subcommittee on Biotechnology,  
Horticulture, and Research

**HOUSE SMALL BUSINESS COMMITTEE**

Subcommittee on Agriculture, Energy  
and Trade

Subcommittee on Contracting and  
Workforce

RFAC Attendees,

Thank you all for attending this important meeting, especially those Decree Party Members that were able to join or send a representative. I apologize that I was unable to attend, however I appreciate my friend Diane Tharp from my Watershed Advisory Group agreeing to read this statement on my behalf.

To begin, I am encouraged by the significant headway that we have made in the ongoing Flexible Flow Management Plan (FFMP) negotiations over the last several years in terms of bringing together all the various stakeholder groups for their input. I would especially like to thank the Decree Party members for their willingness to engage directly with affected individuals, businesses, and communities despite the complexity and traditional secrecy of FFMP negotiations, starting with a very rewarding conversation that they participated with myself and my fellow Co-Chairs on the Delaware River Basin Congressional Task Force, Congressmen Carney and Dent and Former Congressman Holt.

While I am disappointed that we have yet to finalize a new and reformed FFMP, I strongly believe that it has been critical to take this time to build relationships and goodwill amongst all those concerned, and today is a perfect example of this. I strongly urge all those in attendance to maintain this foundation of mutual respect amongst the parties so that we do not lose the successes we have already achieved and set back the process even further.

In addition, I would like to associate myself with the remarks and feedback of many of my constituents in the 19<sup>th</sup> Congressional District. Furthermore, as the New York Co-Chair of the Delaware River Basin Congressional Task Force, I would also like to recognize the incredible hard work and professionalism by the New York City Department of Environmental Protection and the New York Department of Environmental Conservation on behalf of their constituents in New York City and New York State, respectively. Specifically, I would like to strongly support efforts to codify in the final FFMP such critical policy reforms as:

- The addition of any and all flood mitigation improvements that will minimize the threat of catastrophic flooding for all citizens both above and below the dams, especially given the increasing threat of worsening storms with alarming impacts. Public safety must be a primary concern and measures to prevent heightened flood crests should be included.
- A formalized Thermal Relief Protocol, preferably managed by State Fishery experts, with the input of other issue-area experts and relevant stakeholders.



- Formalized protocols and implementing language to eliminate “yo-yo releases” for directed releases, with the strong consideration that any such reforms not jeopardize local communities by additional flooding. Planned reductions in releases should be gradually ramped down at rates, in compliance with the 1954 Supreme Court decree and determined by relevant experts, in order to better mimic natural river flows, maximize protection of the coldwater habitat and the species that rely on it.
- Protocols and language to ensure that a limited portion of directed releases will be made from Pepacton and Neversink reservoirs, in combination with directed releases from Cannonsville to protect all three recognized coldwater ecosystems.
- An agreement for additional year round voids in the reservoir or other mitigation efforts to begin to alleviate significant concerns of reservoir spillage and overflow.
- Finally, the inclusion of the following language in the FFMP:
  - “With the Croton Water Treatment Plant now operational, modifications of the OST/FFMP Schedule of Releases tables shall be phased in to incorporate improved baseline releases consistent with the Release Tables of the Equitable Apportionment Plan (EAP).”
  - “In so far as any special projects or conditions develop that require diversions from one or more of NYC’s systems be temporarily limited or shut down, and require a temporary increase in the use of the remaining systems, NYC shall endeavor to balance the overall usage of its water supply systems over the water year, to avoid disproportionate use of the Delaware system.”

In addition, I respectfully request that the Decree Party members continue to work with my office, the United States Army Corps of Engineers, and the Delaware River Basin Commission to ensure that we can appropriately study, with the intention of optimizing, the utilization of the F.E. Walter Dam and reservoir, which could, along with the Croton System coming online, make available critical new resources to directly impact or offset the system needs of all of those impacted.

Finally, I would like to return to my original comments. Regardless of the eventual specific reforms to and reauthorization of the FFMP, it is critical that we not backtrack on what goodwill and relationships that we have already established. We must all respect that there are deeply held, honest, and passionate opinions and policy positions on all sides, often that may either seemingly or directly contradict those that we may individually support. We cannot achieve any of what we desire if we are not willing to negotiate and, at times, compromise on aspects of the FFMP, even those that we hold fundamentally critical to our unique positions. In the end, it is in all of our best interests to look at the system and the negotiations in their entirety rather than a patchwork of specific positions and issues.

I wish you all the best for success in this endeavor, and stand ready to assist as needed.

Very sincerely,

Chris Gibson  
Member of Congress