

AGREEMENT

Effective July 16, 2018

Modification and Reissuance of Appendix A to the 2017 Agreement for a Flexible Flow Management Program

This Agreement to modify and reissue Appendix A to the Agreement for a Flexible Flow Management Program dated October 21, 2017 (FFMP2017), has been consented to by and among the State of Delaware (DE), the State of New Jersey (NJ), the State of New York (NY), the Commonwealth of Pennsylvania (PA), and the City of New York (NYC or City), (hereafter Decree Parties) who are Parties to the Amended Decree (Decree) of the U.S. Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (1954).

AGREEMENT AND UNANIMOUS CONSENT

In accordance with Paragraph I of the FFMP2017, which provides that Appendix A may be modified by the unanimous consent of the Decree Parties, Appendix A is modified with the following clarifications and corrections:

1. Section 1.b.iii. A parenthetical is added to clarify that a calendar year is defined as January 1st through December 31st.
2. Section 2.a. The reference to Section (3) in this paragraph was a typo and has been changed to reference Section 4 to refer to drought management.
3. Section 3.c.iv. The calculation for the portion of actual storage volume that is available for two banks was clarified by adding the word “remaining” as shown below: “As of the date the NYC Reservoirs enter into drought watch, the combined storage of the City Delaware Reservoirs shall be computed as the actual storage volume minus the *remaining* NJ Diversion Amelioration Bank and NJ Diversion Offset Bank volumes for purposes of determining storage zones.”
4. Figure 1. This figure has been updated to correct an error that was made in plotting the drought rule curves which define Storage Zones L3, L4 and L5. The curves should remain at a constant value for the entire month of June, as in previous iterations of the FFMP. All modeling was performed under the assumption that the drought rule curves,

defining Storage Zones L3, L4 and L5, were those of previous versions of the FFMP. Decisions about the FFMP 2017 were based on the results of the modeling.

5. Figure 2, Tables 4a through 4g, and Section 6.

- a. A footnote was also added to Figure 2 stating: "*L1-a releases are only in effect from June 15th to April 15th.*"
- b. The time-period between April 16st and April 30th of each year when the L1-a release rates are not active has been distinguished in Tables 4a through 4g.
- c. The language in Section 6 was also clarified to read: "*For the period April 16 through June 15, discharge mitigation releases shall be made in accordance with standard practices for water supply reliability, toward achieving the CSSO, at rates up to but not exceeding L1-a release rates **applicable at other times of the year as provided in Figure 2 and Tables 4a through 4g.***"

The Decree Parties hereby agree to modify Appendix A with the above changes and reissue Appendix A on the River Master's Website.

David R. Anusel 7-16-18
State of Delaware Date

Michelle M. Putnam 7/16/18
State of New Jersey Date

[Signature] 7/16/18
State of New York Date

[Signature] 7/16/18
Commonwealth of Pennsylvania Date

[Signature] 2/16/18
City of New York Date