

AGREEMENT
Effective June 1, 2009

**Revised FFMP Language to
Address Storage Zone Bouncing**

Recent episodes of storage zone “bouncing” – multiple transitions between FFMP reservoir release rates in short periods of time -- have resulted in large, frequent variations in streamflow, particularly on the West Branch Delaware River. Improved procedures are needed to avoid automatic adjustment of release rates based only on the storage thresholds incorporated in the rule curves of the FFMP. The Decree Parties Work Group discussed ways to reduce storage zone bouncing and agreed to the following revised language for FFMP Sections 6.a.x. and 17 (third paragraph). These revised procedures are designed to reduce the incidence of storage zone bouncing and to provide for smoother transitions between FFMP release rates.

6. TAILWATERS HABITAT PROTECTION and DISCHARGE MITIGATION PROGRAM (THPDMP)

a. Controlled Releases

x. To more naturally effect downward or upward transitions between discharge mitigation release rates identified in Table 3, discharge mitigation release rates may be ramped, in cooperation with NYSDEC, generally over a period of three days at Cannonsville and Pepacton Reservoirs or two days at Neversink Reservoir.

17. TEMPORARY SUSPENSION OR MODIFICATION

(Paragraph 3). Modifications to releases not to exceed seven consecutive days for purposes of maintenance or repair of immediate necessity, or to avoid unreasonable fluctuations in releases, shall not require Decree Party approval, but shall be done in cooperation with NYSDEC, provided, however, that releases shall be sufficient to meet the Montague flow objective in effect at the time.

State of Delaware Date

State of Delaware Date

State of New Jersey Date

State of New York Date

Commonwealth of Pennsylvania Date

City of New York Date