

**ASSEMBLY CONCURRENT
RESOLUTION No. 159**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MARCH 12, 2018

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Urges parties to 1954 U.S. Supreme Court Decree to address ongoing risk of Delaware River Basin flooding.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/18/2018)

1 **A CONCURRENT RESOLUTION** urging the parties to the 1954 United
2 States Supreme Court Decree to address the ongoing risk of
3 Delaware River Basin flooding.
4
5 **WHEREAS**, The Delaware River is the longest, undammed river in the
6 United States east of the Mississippi, flowing through New York,
7 Pennsylvania, New Jersey, and Delaware; and
8 **WHEREAS**, Nearly two million New Jersey residents live in the
9 Delaware River Basin, and rely on the river for drinking,
10 agricultural, industrial, and recreational uses; and
11 **WHEREAS**, The Delaware River has historically flooded, endangering
12 human life and property, damaging public infrastructure, and
13 disrupting business in the State; and
14 **WHEREAS**, Between September 2004 and June 2006, three of the
15 worst floods on record ravaged New Jersey, causing widespread
16 property damage, and disrupting the lives of tens of thousands of
17 State residents; and
18 **WHEREAS**, Substantial flooding has repeatedly occurred in several
19 areas of the State located downstream from the New York City
20 reservoirs, which were at or near capacity when the flooding
21 occurred; and
22 **WHEREAS**, When its reservoirs are filled to capacity, New York is
23 unable to provide flood controls downstream during significant
24 rainfalls, presenting a dangerous and unnecessary threat to the lives
25 and properties of New Jersey residents; and
26 **WHEREAS**, Several reports have indicated that the management of
27 New York City reservoir levels is a significant factor in flooding
28 that impacts people living downstream; and
29 **WHEREAS**, In 2007, Bucks County, Pennsylvania empanelled the
30 Delaware River Flood Task Force to study the flood events of 2004,
31 2005, and 2006, and make recommendations to reduce the impact
32 of flooding in county communities; and
33 **WHEREAS**, The task force concluded that establishing year-round
34 voids in the New York City reservoirs would have a beneficial
35 effect on flood levels downstream, and would reduce the number of
36 properties flooded; and
37 **WHEREAS**, In 2007, the Delaware River Basin Interstate Flood
38 Mitigation Task Force called for the development of a flood
39 analysis computer model to test the impact that 20 percent year-
40 round voids in the New York City reservoirs would have on
41 flooding downstream; and
42 **WHEREAS**, The model indicated that approximately 214 structures
43 flooded in 2006 in Trenton, Ewing, Hopewell, Lambertville,
44 Stockton, Phillipsburg, Harmony, and Belvidere would not have
45 been flooded with the 20 percent voids; and
46 **WHEREAS**, Requiring New York City to maintain adequate, year-
47 round voids in its reservoirs serves the public interest by
48 minimizing the loss of life and property caused by floods; and

1 **WHEREAS**, Management of the flows and levels of New York City
2 reservoirs is subject to a 1954 United States Supreme Court decree,
3 established in New Jersey v. New York, 347 U.S. 995 (1954), to
4 which New Jersey, New York, New York City, Pennsylvania, and
5 Delaware are parties; and

6 **WHEREAS**, Under that decree, and subsequent agreements between the
7 parties, New York City is allowed to fill its reservoirs to 105
8 percent capacity during the period of May 1 to June 15, a period
9 when flooding has occurred historically; and

10 **WHEREAS**, Each party to the 1954 Decree has standing to call upon
11 the United States Supreme Court to amend the decree, and demand
12 that New York City maintain year-round voids in its reservoirs in
13 order to mitigate the devastating effects of floods on people living
14 downstream; and

15 **WHEREAS**, Numerous counties in New Jersey have passed resolutions
16 urging the parties to the decree to demand that New York City
17 maintain year-round 10 percent voids in its reservoirs; now,
18 therefore,

19
20 **BE IT RESOLVED** *by the General Assembly of the State of New*
21 *Jersey (the Senate concurring):*
22

23 1. The Legislature urges the Governors of New Jersey, New
24 York, Pennsylvania, and Delaware to address the ongoing risk of
25 Delaware River Basin flooding by petitioning the United States
26 Supreme Court to amend the 1954 Decree to require New York City
27 to maintain adequate year-round voids in its reservoirs.
28

29 2. Copies of this resolution, as filed with the Secretary of State,
30 shall be transmitted by the Clerk of the General Assembly or the
31 Secretary of the Senate to the Governors of New Jersey, New York,
32 Pennsylvania, and Delaware.
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STATEMENT

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37 This resolution urges the parties to the 1954 United States
38 Supreme Court Decree to address the ongoing risk of Delaware
39 River Basin flooding.

40 The Delaware River is the longest, undammed river in the United
41 States east of the Mississippi. Nearly two million New Jersey
42 residents live in the Delaware River Basin, and rely on the river for
43 drinking water. The river has historically flooded, endangering
44 human life and property. Much of the flooding has occurred in
45 areas of the State located downstream from the New York City
46 reservoirs, which were at or near capacity when the flooding
47 occurred. When New York's reservoirs are completely filled, the
48 state can no longer provide flood controls downstream, presenting a

1 dangerous and unnecessary threat to the lives and properties of New
2 Jersey residents. Reports issued by the Delaware River Flood Task
3 Force and the Delaware River Basin Interstate Flood Mitigation
4 Task Force support this view.

5 Requiring New York City to maintain adequate, year-round
6 voids in its reservoirs serves the public interest by minimizing the
7 loss of life and property caused by floods. Management of the
8 flows and levels of New York City reservoirs is subject to a 1954
9 Supreme Court decree, to which New Jersey, New York, New York
10 City, Pennsylvania, and Delaware are parties. Under that decree,
11 and subsequent agreements between the parties, New York may fill
12 its reservoirs to 105 percent capacity during the period of May 1 to
13 June 15 of each year, a period when flooding has historically
14 occurred. This resolution would urge the parties to call upon the
15 Supreme Court to amend the decree, and demand that New York
16 City maintain year-round voids in its reservoirs in order to mitigate
17 the devastating effects of floods on people living downstream.