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Lieutenant General Robert L. Van Antwerp
Chief of Engineers and Commanding General
U.S. Army Corps of Engineers
Headquarters – Executive Office
441 G. Street, NW
Washington, D.C. 20314

Dear General Van Antwerp:

As always, it was great to speak with you at the AWRA conference in New Orleans. I am writing to follow up on our discussion about the ongoing partnership between USACE and the Delaware River Basin Commission (DRBC) and the potential for achieving DRBC's fair share funding from the Federal Government in FY '09.

In 2006, DRBC collaborated closely with Philadelphia District staff in responding to a one-time grant initiative announced on short notice by Secretary Woodley. The District was awarded \$1 million in that national competition in large measure because within just a few weeks, we were able to develop a consensus proposal and document strong support for the District's application among four state agencies, multiple federal agencies and congressional representatives. Regional support for the District's Multi-Jurisdictional Study project was a direct outgrowth of DRBC's basin-wide planning effort of the preceding four years.

Since 2006, implementation of the Corps' *Multi-Jurisdictional Study for Use and Management of the Water Resources of the Delaware River Basin* has strengthened ongoing relationships among the District, DRBC and its member states; and new opportunities for partnerships between the DRBC, USACE Headquarters and the IWR have emerged. Recent partnering efforts have included speaking at the USACE Roundtable luncheon on "Partnering with States and Other Organizations to Support Integrated Water Resources Planning and Management" in Washington, D.C., the Senior Leaders Conference(SLC) in Pittsburgh, the USACE Planners Conference in San Antonio, the AWRA Water Resources Policy Dialogues, and consultation with the National Levee Safety Committee, which pointed to DRBC as a good governance model. I look forward to working with Steve Stockton and Ada Benavides in developing the regional and national meetings on state planning in 2009.

Following my presentation at the SLC in August, you volunteered that you would prioritize securing federal funding for DRBC. This funding is critically important. The nation is increasingly conscious of the need to manage water resources on a watershed



(basin) basis, and the USACE is realizing that partnering with stakeholders produces better program results, generates greater local buy-in for proposed projects, and in light of the latter two benefits, can be considerably more cost-effective. In short, funding for the DRBC also benefits the USACE.

The attached document summarizes the history and status of DRBC's federal funding and sets forth key reasons why the federal government needs to fulfill its obligation to the basin states and the Commission by joining the states in contributing a fair share of DRBC's operating expenses.

Please let me know how we can work together to achieve this goal. I am ready to meet with you and your staff in Washington at your request. Thank you for your support.

Sincerely,

Carol R. Collier

Attachments

c: Delaware River Basin Congressional Task Force
DRBC Commissioners



The Value of the Delaware River Basin Commission (DRBC) to The Federal Government

The federal government should resume its annual fair share funding of the Delaware River Basin Commission in accordance with the Delaware River Basin Compact:

- The federal share is matched at a ratio of 5 to 1 in funding water quality and quantity management activities through the DRBC. For a \$715,000 annual investment (FY 2009) by the federal government, the Commission returns \$3,574,000 in effort, including a contribution of \$2,859,000 from the Commission's state members.
- DRBC is the lead example nationally and globally of how trans-boundary water resources can be managed on a watershed basis.
- Integrated Water Resources Management (IWRM) is desired at both the state and federal levels. DRBC is already doing it.
- Through the DRBC Special Protection Waters Program, the existing water quality of 200 miles of river (the total non-tidal portion of the Delaware River) is protected. Protecting existing high water quality is much more cost effective than lengthy restoration of impaired waters.
- DRBC's strategic planning process and use of advisory committees are excellent models for engaging stakeholders and building policy and projects from the bottom up.
- The DRBC basin planning process evaluates gaps and needs, establishing consensus, and sets priorities for future projects in the basin.
- DRBC is a forum for adaptive management. By bringing decision makers to the table, programs and policies are continually adapted in response to evolving human and natural systems. This process is much more effective than allowing conflicts among competing interests to erupt repeatedly and judges to resolve them piecemeal. The latter has been the less-than-optimal model in many inter-state basins.
- Climate change is the next big environmental threat to the nation. It will have significant effects on our water systems, including drinking water and wastewater infrastructure, severity of storms and flooding, severity and frequency of droughts, and accompanying changes to natural systems. DRBC is positioned to coordinate federal and state agencies and lead a collaborative strategic response for the Basin community.
- In sum, DRBC provides direct benefits to the federal government by:
 - Serving as a coordinator among agencies involved in basin management;



- Convening multi-agency teams that can most cost-effectively provide water quality and quantity-related services;
- Putting to constructive use federal dollars that in DRBC's absence would likely be spent on legal challenges (cf., the conflicts among, Georgia, Florida and Alabama over waters of the ACT-ACF in the Southeastern U.S.);
- Much of the stakeholder development and reconnaissance work required in USACE projects is most effectively completed through partnership with the DRBC. By working together, we better analyze problems, select alternatives and build community buy-in for solutions.



History of Federal Funding for the Delaware River Basin Commission

- The Delaware River Basin Commission (DRBC) was formed in 1961 by concurring legislation of the federal government and the four basin states. Its members are the North Atlantic Division Commander of the USACE on behalf of the federal government, and the governors of the states of Delaware, New Jersey, New York and Pennsylvania. DRBC's creation marked the first time that the federal government and a group of states joined together as equal partners in river basin management, including regulation, planning, development, and dispute resolution.
- The DRBC changed the Delaware Valley from a region of perennial conflict over water resources to a model of federal-state cooperation. The model contrasts sharply with the ongoing water crisis between Georgia, Alabama, and Florida, which has produced only multiple lawsuits during the current, record drought. Cross-border water crises in other parts of the country continue to cost taxpayers millions of dollars in court costs. Each also represents a missed opportunity to invest in the tools and relationships required for cooperative resource management.
- The Commission serves federal, regional, state and local interests by providing comprehensive, proactive water resources management for the 13,539-square-mile Delaware River Basin. DRBC programs include water quality protection, water supply allocation, drought management, flood loss reduction, water conservation, permitting, watershed planning, and recreation.
- “The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes.” *Delaware River Basin Compact, Public Law 87-328, 75 Statutes at Large 688, Section 13.3(c)*.
- In order to meet the financial obligations contained in the 100-year compact, the following “fair share” percentages were agreed upon by the Commission's members: New Jersey (25%), Pennsylvania (25%), Federal Government (20%), New York State (17.5%), and Delaware (12.5%).
- Public Law 104-206 of September 30, 1996 suspended the federal government's annual fair share contribution toward DRBC's annual operating expenses. Before that date, Energy and Water Development Appropriations were the legislative vehicles for federal appropriations to the DRBC. The same appropriations bill also funds the U.S. Army Corps of Engineers-Civil.
- Contrary to the federal government's statutory commitment, federal funding has not been restored. As of June 30, 2008, the cumulative federal shortfall in contributions to the DRBC totaled \$7,849,250. During this time, the federal government has remained an active voting member of the Commission, with the same powers and authority as the other signatory parties.



- Public Law 105-18 required that U.S. members to the DRBC appointed by the President “shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.” The Water Resources Development Act of 2007 (WRDA), which became Public Law 110-114 on November 9, 2007, further requires that the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member on the DRBC and shall serve without additional compensation.
- The following language appears in Public Law 110-114 (WRDA 2007):

SEC. 5019. SUSQUEHANNA, DELAWARE, AND POTOMAC
RIVER BASINS, DELAWARE, MARYLAND,
PENNSYLVANIA, AND VIRGINIA.

(b) Authorization To Allocate – The Secretary [of the
Army] shall allocate funds to the Susquehanna River Basin
Commission, Delaware River Basin Commission, and the
Interstate Commission on the Potomac River Basin to fulfill the
equitable funding requirements of the respective interstate
compacts.
- The DRBC’s adopted budget for FY 2009 (July 1, 2008 through June 30, 2009), unanimously approved on March 12, 2008 by all five members, including the federal representative, calls for the following signatory party shares: Federal Government \$715,000 (20%), Pennsylvania \$893,000 (25%), New Jersey \$893,000 (25%), New York \$626,000 (17.5%), and Delaware \$447,000 (12.5%).
- For the first time since the federal contribution was suspended, on June 25, 2008 the FY 2009 Energy and Water Development Appropriations bill reported by the House Appropriations Committee funded the full \$715,000 requested for the DRBC. The members of Congress requesting this appropriation, which appears in the Investigations account for the Corps of Engineers, were Reps. Holden, Schwartz, Brady, Castle, Dent, Gerlach, Gilchrest, Hall, Hinchey, and Holt.
- Pursuant to Public Law 110-114 and the Delaware River Basin Compact, the Secretary of the Army is requested to include in the proposed budget for federal fiscal year 2010 (and subsequent years) the sum of \$715,000, or the current amount constituting the federal government’s 20% annual “fair share” contribution toward the DRBC’s operating expenses.

12/1/2008