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House of Representatives

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July 25, 2006

Honorable Dennis Schornack
Chairman, U.S. Section
International Joint Commission
1250 23rd Street, N.W., Suite 100
Washington, D.C. 20440

International Joint Commission

ACTION: BM

INFORMATION: LB, JC, FB, RT, CMRS

FILE:

RECEIVED-IJC
INT'L JOINT COMMISSION
2006 AUG -2 A 9:19

Dear Chairman Schornack:

You will recall that I have corresponded previously with the study board conducting the five year study analyzing the procedures and plans to regulate the outflows of Lake Ontario and the management of the water levels of Lake Ontario and the St. Lawrence River. Now that the study board has chosen their three final proposals, I would like to take this opportunity to convey to the International Joint Commission (IJC) my feelings on this important issue. As the lone member in the U.S. House of Representatives with the distinct privilege of representing the entire New York State span of the St. Lawrence Seaway, I cannot emphasize enough the importance of this review to my constituents who live, work and vacation along Lake Ontario and the St. Lawrence River.

As you know, the Great Lakes represent the largest supply of fresh water on the planet and this vast supply of fresh water flows out from its point of origin to the saltwater of the Atlantic Ocean via the St. Lawrence River. However, following the completion of the St. Lawrence Seaway and the Franklin Delano Roosevelt (FDR) Power Project in the 1950's there was no choice but to come up with a plan for "artificially" regulating this outflow. Unfortunately, the current water levels regulation plan - 1958 D with Deviations - has resulted in significant negative environmental impacts on fisheries and wildlife throughout the region that I represent in Congress.

As even the IJC acknowledges, the current plan capitulated to pressure from several interest groups, including the commercial shipping industry and the power generation industry, and was deviated from for the sole purpose of protecting the concerns of property owners along the south shore of Lake Ontario. Accordingly, recognition of this damaging situation was the major driving force in authorization of this study. That's why I was pleased to see that the IJC and the Study Board: 1) recognized that the current plan was no longer sufficient and needed to be updated; 2) undertook a comprehensive review of the current plan and offered alternative options and; 3) finally took into account the interests of the environment and recreational boaters - whose interests were completely ignored nearly fifty years ago.

However, I do not believe it is unreasonable to expect, or even demand, that whatever plan is eventually selected by the IJC makes amends to the region (and its interests) that I represent in Congress. Disproportionate loss has been suffered by the environment for fifty years as other stakeholders reaped the benefits from water level regulation. Further, 1958 D completely ignored the interests of recreational boaters by drastically shortening the boating season in this region by unnaturally dropping levels in the late summer through the fall months.

Throughout the entire study process it has always been my hope that the final regulation plan would serve as a way to adequately and accurately address the diverse needs of the Lake Ontario-St. Lawrence River basin.

Therefore, now that the Lake Ontario/St. Lawrence River Study Board has presented three separate water flow regulation plan options to the IJC, I feel compelled to once again offer my strong support for Plan B+, the plan that I believe best serves the interests of my constituents.

It should be noted, however, that I did not come to this conclusion quickly or easily. From the outset I made it known that I believed any plan that was offered by the Study Board, and eventually selected by the IJC, *must* benefit the environment and ecosystems of the St. Lawrence River region. In addition, I believe that the final plan must strive for the restoration of the natural ebb and flow of water levels to as close as possible to the pre-regulated river. I firmly believe that Plan B+ most closely adheres to these principles by offering the following advantages:

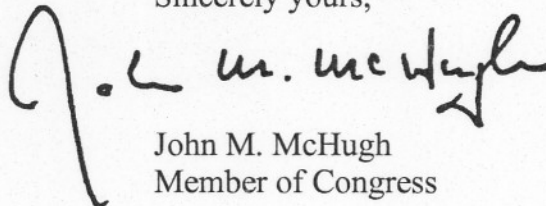
1. It most closely follows Mother Nature's "natural rhythm" of the pre-project system.
2. The average July 1 to November 1 decline in water levels is less when compared to the other plans.
3. The average water levels remain higher during the late summer and autumn, thus, extending the boating season.
4. Offers the most positive overall influence on the environment when compared to the other plans.

While it is true that Plan B+ critics will argue that it causes losses to shoreline interests, recent studies have illustrated that long-term shoreline erosion is independent of water levels; hence, meaning that erosion will occur regardless of what water levels regulation plan is implemented. However, while I favor the selection of Plan B+ by the IJC, it should not be viewed as the ultimate solution to Lake Ontario's outflow regulation; rather, only as the next step in a continuing process. We must continue to educate ourselves about this most remarkable and valuable fresh water system and to do everything within our power to protect it. We should never become so complacent as to regard any plan as "good enough." The IJC should mandate that the plan become a "living plan," with constant reviews, updates and improvements.

Once again, I commend the Study Board for all of their hard work they undertook over the past five years and for their, as well as the IJC's, recognition that 1958 D was no longer sufficient. As you know, this study was critically important to the good, hard-working people I represent in Congress. Therefore, I urge you to select Plan B+ as the new water levels regulation plan.

With every good wish, I remain

Sincerely yours,

A handwritten signature in black ink, appearing to read "John M. McHugh". The signature is fluid and cursive, with a large initial "J" and "M".

John M. McHugh
Member of Congress

JMM/cjm