

ALBANY, NY  
INTERNATIONAL JOINT COMMISSION  
1250 23rd Street NW, Suite 100  
Washington, DC 20037

Sodus Point, NY  
31 July 2006

**Irene Brooks**  
**Commissioner, United States Section**  
**International Joint Commission**  
**1250 23<sup>rd</sup> Street NW, Suite 100**  
**Washington, DC 20037**

international Joint Commission  
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ACTION: BM  
INFORMATION: LB, JL, FB, RT, CM  
FILE:

**Dear Irene,**

**We hope 2006 finds you happy and healthy. We enjoyed your visit with us at our home in Sodus Point in 2004. We are writing to you now because we are fearful of the International Lake Ontario-St. Lawrence River Study Board's recommendations for the future control of Lake Ontario. All the proposed plans, and especially that of Plan B, in comparison to the existing plan of 1958-D will be disastrous to the Lake Ontario shoreline.**

**The framers of the original International Treaty between the United States and Canada who created the St. Lawrence Seaway were very conscientious. They realized that the Seaway could create very high water levels. They acknowledged that the Seaway had an inherent responsibility to the riparian land owners on Lake Ontario. Hence, they implemented upper limits of the lake level to protect the riparian land owners from devastating high water levels. Those limits have been in effect for over 50 years. Doesn't that make them codified in accordance with International Law?**

**Not one of the proposed plans acknowledges that responsibility and commitment. Only a plan with lake level limits such as 1958-D reflects the covenant and responsibility the original framers acknowledged and pledged.**

2.

The Study that has been submitted is flawed. The report did not consider or cite the damage that will be done to the shore of Lake Ontario without upper water level limits (P. 18 #2 and P. 65 Paragraph # 3). It only considered the cost of building shore protection. Certain impacts of various plans cannot be considered and other impacts ignored to generate a truly valid study with responsible conclusions. These omissions make any conclusions of the study fatally flawed and unusable.

The conclusions reached in the Study showing the improvements to the various water and marsh species are only based on opinion: not fact. The damage caused by flooding and erosion when Lake Ontario reaches the high levels cited in the Study are fact: not opinion. High water's destruction to homes and communities along the shoreline is fact. Another fact is that the environment has been forever altered by the presence of the Seaway. It is a fallacy to believe that the lake can return to its "natural state". That could only be achieved by the removal of all aspects of the Seaway, which obviously will never happen.

Most homes built along the south shore of Lake Ontario were built after the construction of the Seaway. Shoreline development was predicated on the covenant between the Seaway's controls of 1958-D and the riparian landowners. As a result of that covenant, New York State's Department of Environmental Conservation created and enforced regulations for landowners for the building of homes and breakwalls. The effectiveness of these breakwalls will be totally negated by any plan that does not have the upper limits of 1958-D. Uncontrolled high water will over-top and wash out hundreds of millions of dollars of private and public breakwalls, accelerate erosion, and literally flood some communities such as Sodus Point. One "ripple" effect will be the dramatic lowering of the value of flooded property which in turn will be disastrous to the tax base of communities experiencing such flooding. Therefore, the implementation of a plan without the high water limits of 1958-D is totally irresponsible as the destruction of property and the resultant lowered tax base to communities was not even addressed in the Study. Will the governments of Canada and The United States indemnify the riparian landowners, businesses, and towns that will be irrevocably damaged by such implementation? Will the governments of Canada and The United States replace the lost property and tax base?

3.

There must be a responsible balance between the needs of the environment and the people who live in that environment. A flawed study that only focused on the environmental aspects but did not address the financial devastation to the shoreline cannot be taken seriously, regardless of the time and money spent. If part of the study is flawed then the whole study is flawed and unusable to responsibly make changes to the current regulatory process regardless of the length and presentation.

Boaters say they like high water. However, the majority of boaters along the south shore of Lake Ontario do not have a vested interest in the shoreline. They want high water for their convenience. They use the lake for their pleasure and then leave it. While they are not concerned with the destruction of high water, they will be most unhappy when the docks at marinas are under water, which we have personally seen. Conversely, in low water situations they will be very unhappy when there is no water at the docks of the marinas and the launch ramps are unusable. A plan without limits will be disastrous to everyone, especially marina owners in extreme high and low water situations.

Irene, you have been to Sodus Point and our personal property to get a "hands on" view of the lake and to understand the destruction of high water. The proposed plans are unconscionable and irresponsible in that none have high or low water limits. The study is so flawed that even some respected Study Board members are horrified at the proposals. The proposed plans ignore and deny the original covenant that was a main component of the original treaty. Only a plan with high and low water limits such as 1958-D should be considered. At this time, the 1958-D plan is the only truly responsible plan for managing Lake Ontario. We hope that you will see the flaws in all the proposed plans and support the retention of 1958-D.

Thank you for your time and consideration. We hope to see you again in the future.

Sincerely yours,



Howard and Cory Potter