

Oswego County Environmental Management Council

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International Joint Commission

ACTION: EM
INFORMATION: LB, JC, FB, RT, CMCS
FILE:

September 4, 2006

Mr. Dennis Schornack
Chairman, United States Section
International Joint Commission
1250 23rd Street NY, Suite 100
Washington, DC 20037

Dear Chairman Schornack:

The Oswego County Environmental Management Council (EMC) is a volunteer body of environmental professionals and concerned citizens tasked with the responsibility of advising the Oswego County Legislature on the wide range of issues that affect the environment of our county in New York State. Oswego County lies at the southeastern corner of Lake Ontario. We have extensive southern and eastern shoreline mileage, with rocky and low bluff shores, as well as the 17 mile long sandy barrier beach/dune/wetland complex modeled by the LOSL study. Our coastal habitats include extensive coastal marshes in drowned river mouths, some sheltered by dunes. Our citizens prize the coastal habitat for residential and recreational use (boating, fishing, camping and fishing); we also treasure the diversity of native habitats and richness of plant and animal species present here, an astonishing number of which are rare or endangered. Our coastal meadow marsh and fen habitats support the Black Tern, Least and American Bittern, Northern Harrier, Bog Buckmoth, dragon mouth orchid, the federally threatened Bog Turtle, and several rare sedges. Our dunes support NYS listed Champlain beach grass, dune willow, and dune cherry, as well as habitat for migrating shorebirds, and the federally endangered piping plover (not now extant)..

The Oswego County EMC lauds the LOSL study team for a thorough and thoughtful consideration of all factors and interests affected by the regulation of Lake Ontario-St. Lawrence River water levels and flow. We would point out that the habitats and species they support underlie a variety of residential and recreational opportunities (fishing, beach use, bird watching, nature appreciation). The Environment Study Group has documented significant loss of habitat and species diversity already, as a result of 45 years under Plan 1958DD. We also call to your attention the repeated assurance by study

leadership that accommodation of the environment was a major goal driving the study from the beginning. Therefore we strongly support selection of Plan B+, the Balanced Environmental Plan as the best option for IJC to adopt. We laud the study for development of such a balanced alternative that approaches a balance between economic and environmental needs.

Plan B+ lays out a positive alternative for habitats and species because it moves toward the hydrology conditions that support them. It partially restores the multi-year pattern of high and low water level periods, while curbing the extremes that cause economic damage to landowners, municipalities, and the boating interest. The fine tuning over the last year helps to reduce impacts to other interests, especially boaters. It also restores the within-year timing of high and low levels so important for many habitats and species (e.g. fish spawning, muskrat survival, and establishment of short-lived mud flat plant species).

Oswego County is not a wealthy area. Our people depend economically on the benefits provided by the coastal zone. Since the occasional high and low levels resulting from this plan may cause economic pain for our citizens, we strongly encourage the IJC to work with New York State agencies to find ways to mitigate these impacts. Expedited permitting for dredging in marinas would be one mitigation technique that would ease loss during low water periods.

Finally, we strongly recommend that IJC adopt the following recommendations of the Study Board:

- Adaptive management capacity – funding and structures need to be put in place for regular data-based performance review. Without mechanisms in place for routinely collecting and assessing monitoring data, fine tuning of the plan will not have credible ecological input, and the Lake Ontario St. Lawrence River Board of Control will have to depend on political and economic input and anecdotal evidence about biological performance as it has in the past. The LOSL study has spent \$20 million to correct this problem. IJC should make sure it continues to bear fruit.
- Deviations should be limited to true emergency conditions, and should maintain the intent of the plan.
- IJC should develop the education program recommended by the Study Board. Water level regulation is complex. People affected by it need to understand and stay informed as to the impacts they face, so they can prepare and participate in public debate productively.
- IJC should call on the parties to work together to establish shoreline management programs for coastal property owners impacted by flooding and erosion. Shoreline property owners often pay a disproportionate level of taxes and deserve support for their management needs.
- The data generated by the study should be made available to the public – this was promised when the study was launched, and IJC should make it happen. Not only do the study data provide a baseline for evaluating performance of regulation going forward, but they also can provide a springboard for continuing research in the

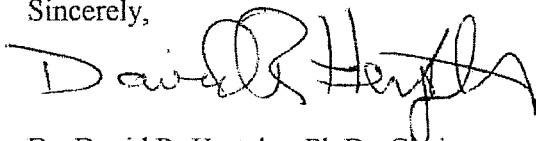
- response of coastal ecosystems to the changing hydrology of the Lake Ontario St. Lawrence River system.

In summary, the Oswego County EMC:

- Strongly supports adoption Plan B+,
- Recommends that mechanisms for funding and performance of ecological monitoring be put in place,
- Encourages continuing efforts to mitigate its economic impacts on boating, and coastal property (both up and down stream),
- Recommends that IJC encourage the parties to develop shoreline management programs that assist shoreline property owners,
- Supports development of an ongoing education effort, and
- Calls for the study data to be made available to the public.

Thank you this opportunity to comment on the regulation of Lake Ontario–St. Lawrence River water levels and flows.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Hertzler". The signature is fluid and cursive, with a large initial "D" and "H".

Dr. David R. Hertzler, Ph.D., Chairman
Oswego County EMC