

International Joint Commission

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INFORMATION: *LB, JC, FB, RT, CMRS*

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INTERNATIONAL JOINT COMMISSION  
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Walter R. Foerster  
Hilton, NY  
September 11, 2006

United States Section Secretary  
International Joint Commission  
1250 23<sup>rd</sup> Street NW, Suite 100  
Washington, DC 20440

I wish to comment on the current proposals to change the existing Plan 1958-D governing the management of water levels in Lake Ontario.

For a very long time now, it has been evident that there are powerful interests lobbying for higher water levels in Lake Ontario. The commercial shipping, power generation, and St. Lawrence River recreational boating interests are all pressing for higher water levels. I believe that, through higher water levels, they all see that they would derive great benefits to themselves at no cost to themselves, by just having the water held back to higher levels.

But, that doesn't mean that there are no costs to anyone. In fact, there is a cost. From my point of view as a south shore riparian, it is a high cost that is inequitably borne by those to whom essentially none of the benefits accrue - the south shore riparians.

Years ago, in the 1930's, 40's, and 50's, south shore riparians periodically enjoyed times of low lake water levels that afforded the availability of broad beaches and wonderful lake access at public and private beaches. Since the St. Lawrence River Board of Control obtained the means to control the level of the water in Lake Ontario in 1958, the water levels have consistently been maintained at, or above, the historic averages, with only a very few exceptions where the water supply to the lake has been very low. While previous very low levels have never been repeated since 1958, the historic highs have been approached on numerous occasions. The bias of the board has at times been glaringly evident.

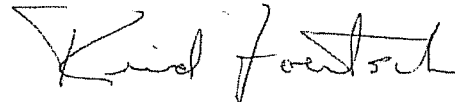
I recognize that there is sometimes need for change. In the face of the benefits of avoiding excessively low water levels to shipping and power generation, I don't expect to ever see those gloriously low lake levels to be repeated. I accept that, and I think that most of my fellow riparians do as well. But, we do expect the efforts of the board to be focused on maintaining the historic average levels, once, at least, their stated objective.

The current proposals to change the plan for controlling the lake level clearly are designed to result in higher levels. The intention of this is, also clearly, to deliver value to one set of constituents, at the expense of another. This may be justified if the value created is considered to be that much greater than the cost. But, if that is the case, then the International Commission and the Board of Control have the obligation to recognize the true cost, and pay for it. As in other cases of the exercise of eminent domain (which is what this is), those required to give up their property (or property value), so that others

may benefit, should be fairly compensated. A fee should be directly applied to those benefiting (the shipping power, and recreational boating interests), and/or taxes collected from the benefiting public; to reimburse south shore riparians for the costs of erosion control, and the costs of loss of use, and the costs associated with mitigating the loss of use.

If, when the real costs involved with higher water levels are included, it gets too expensive, or too hard to do, then those controlling the lake levels should not be endeavoring to raising the water levels yet again. Instead, a plan that is really directed at the supposed objective of maintaining the historic normal lake levels and/or truly "balancing the needs of the lake, it's users, and its bordering residents" should be authored, and the board of control should be reconstituted to be composed of membership more dedicated to that objective.

Sincerely,  
Reid Foertsch

A handwritten signature in cursive script that reads "Reid Foertsch". The signature is written in dark ink and is positioned below the typed name.