

John L. Thomas  
Brewerton N.Y. 9/18/06

Dennis L. Schornack, Chairman  
International Joint Commission  
U.S. Section  
1250 23<sup>rd</sup> St. N.W., Suite 100  
Washington D C 20440

Dear Commissioner Schornack:

I am writing to you as a long time riparian of Lake Ontario to express my disappointment and disagreement regarding the regulation of Lake Ontario water levels.

I am a property owner on the southeastern shore of Lake Ontario and have expressed my displeasure at local meetings and to John Kangas regarding the current regulation under 1958D plan. Stating that we don not see the lower water levels that we once have. It is very apparent that the regulation favors higher water levels and a lack of response to lower the levels as needed. Especially in 2006, having had one of the highest amounts of precipitation this summer with flooding in upstate NY.

Secondly storing 2-4 inches of water for "purposes that may be needed later in the season" but never stating what they are has artificially increased the average lake level over time. The stored water should not be included in the lake level charting and history. These levels have caused erosion on my property and prevented me from using my beach front property-since I have NO BEACH. In prior years I have had beach I could use all season long. Please tell me how I will be compensated regarding this since this is directly related to water level regulation?

Regarding recommendations made by the Lake Ontario-St. Lawrence River Study Board, all three plans are terrible since they will provide higher water levels than under current operations. Despite assurances that the plans recommended would not impose damage to South shore communities and riparians.

The primary damage will be associated with erosion and flooding due to high water levels. The economic impact of this has been ignored at arriving at Study recommendations. Primary justification for high and low water levels was for environmental restoration. However the primary environmental issue identified was lack of periods of low water. This is due to the actions of the St. Lawrence River Control Board, which never allows the lake level to drop into the lower portion of the four-foot range. The Study does not address Low water environmental concern. The Study recommends extreme water regimes with increased high levels that result in increased damages to the shoreline and downstream riparian property owners.

Based upon the independent review of the Study by the National Research Council. The NRC stated unequivocally that the science utilized is not sufficient or appropriate for evaluating and comparing water level management alternatives. It would be irresponsible of the Commission to base actions it knows will cause substantial harm to citizens and communities, on results that are unsupportable and unreliable.

I have supported the study based on assumptions made that improvements would be provided for the South shore property owners and communities. It had been stated that if that was not possible, that benefits to other interests would only be provided to the extent that existing shoreline property owners and communities would be protected to at least the extent that they are under the existing Orders of Approval. Which state "Consistent with other requirements, the levels of Lake Ontario shall be regulated for the benefit of property owners on the shores of Lake Ontario in the United States and Canada so as to reduce the extremes of stage which have been experienced."

It is now clear from the Study results that no attempt was made to improve South shore communities. It is also clear that the study was predicated on the provision of benefits to other interests solely at the expense of the South shore and downstream riparians.

The Study recommendations would remove basic protections assured by the government, disrupting the shoreline and shoreline communities, with no compensation and no mitigation. Implementation of the study recommendations would violate the trust that government will live up to its agreements and assurances to citizens and communities. Further it would be a betrayal to citizens and riparians.

I implore you not to adopt any of the three operating plans recommended by the Study Board without further refinement and protections to avoid the substantial damages that will result from them and a correction of the science upon which they rely. Implementing any of these operating plans without safeguards and mitigation to protect the shoreline residents is irresponsible and is betrayal of a basic assurance to these citizens made by the US and Canadian governments over forty years ago and relied upon by them.

Sincerely,

John L. Thomas