



July 7, 2008

The Right Honourable Herb Gray, Canadian Section Chair
Ms. Irene B. Brooks, Acting U.S. Section Chair

International Joint Commission

Ottawa, Ontario

Dear Chairs and Commissioners:

**Re: Proposed New Order of Approval and Plan 2007
Regulation of Lake Ontario and the St. Lawrence River**

Conservation Halton is a community based environmental agency that protects, restores and manages the natural resources in its watershed. The organization has staff that includes ecologists, land use planners, engineers, foresters and educators along with a network of volunteers who are guided by a Board of Directors comprised of municipally elected and appointed citizens. Conservation Halton is recognized for its stewardship of creeks, forests and Niagara Escarpment lands through science based programs and services. Conservation Halton's watershed encompasses approximately 948 square kilometers, which includes the watersheds of the Sixteen Mile, Bronte and Grindstone Creeks that drain into Lake Ontario and Hamilton Harbour. Conservation Halton is one of 36 Conservation Authorities in Ontario who share similar goals and objectives in watershed management.

Portions of Hamilton Harbour and Cootes Paradise are within Conservation Halton's watershed and Conservation Halton has had significant involvement in projects relating to the restoration of Cootes Paradise and the Harbour. John Hall, who is the Coordinator of the Remedial Action Plan for Hamilton Harbour is an employee of Conservation Halton. John as well as Tys Theysmeyer of the Royal Botanical Gardens provided a presentation to the Commissioners at Jordan Harbour on June 9, 2008. Their presentations identified concern with impacts, in particular to Cootes Paradise that could result from the control of water levels as proposed under Plan 2007. They also noted the initiation of the Remedial Action Plan and that significant dollars have been spent to revive Cootes Paradise and the Harbour in order to meet the goal of having the Harbour de-listed as an Area of Concern under the Great Lakes Water Quality Agreement by 2015.

In addition, Conservation Ontario has taken the collective concerns of the conservation authorities that have watersheds draining into Lake Ontario and provided a presentation to the



Commissioners at the June 24th open house held in Kingston, Ontario in support of the immediate implementation of Plan B+.

The various parties have articulated the environmental benefits of implementing Plan B+ particularly in the greater water level variability that it will provide and the concerns in going to Plan 2007 either in the interim or the long-term.

In regard to high water levels and protecting properties from flood hazards, Conservation Halton, as with other conservation authorities along Lake Ontario, has regulations and policies in place to ensure that development is protected from such hazards and offers programs to landowners to protect and enhance their properties.

At a meeting of its membership on June 26, 2008, the Conservation Halton Board of Directors passed the following resolution:

THAT the Conservation Halton Board of Directors support the position adopted by Conservation Ontario for the regulation of Lake Ontario water levels whereby Conservation Ontario did not support Plan 2007 in the interim or the long-term but strongly supported Plan B+ - Balanced Environmental, as the basis for regulation of outflows from Lake Ontario through the St. Lawrence River.

AND FURTHER THAT the Conservation Halton Board of Directors authorize the Chair of Conservation Halton to send a letter to the International Joint Commission in support of Plan B+ - Balanced Environmental and rejection of Plan 2007.

In providing this letter, I ask, on behalf of the Conservation Halton Board of Directors, that the International Joint Commission reject Plan 2007 and give consideration to the implementation of Plan B+ - Balanced Environmental, as the basis for the regulation of Lake Ontario water levels through the St. Lawrence River.

It is understood that the International Joint Commission will have to work with other levels of government on concurrent mitigation plans and may be forced to deviate from the regulation plan on an emergency basis in cases of extreme high water periods to minimize shoreline damage until the mitigation plan is in place.

Finally, on behalf of the Conservation Halton Board of Directors, I wish to thank you for the opportunity to comment on this important initiative and express our concerns for the proposed implementation of Plan 2007 either in the interim or long-term and confirm our support for Plan B+ - Balanced Environmental.

Yours truly,

A handwritten signature in black ink, appearing to read "Brian Penman". The signature is fluid and cursive, with the first name "Brian" and last name "Penman" clearly distinguishable.

Brian Penman
Chair, Conservation Halton

Cc.: David Sweet, M.P. Ancaster-Dundas-Flamborough-Westdale
Mike Wallace, M.P. Burlington
Garth Turner, M.P. Halton
Bonnie Brown, M.P. Oakville
Gary Carr, Chair, Regional Municipality of Halton
Mayor Fred Eisenberger, City of Hamilton
Mayor Cam Jackson, City of Burlington
Mayor Rob Burton, Town of Oakville
Conservation Ontario
John Hall, Remedial Action Plan Coordinator
Jim Hudson, Bay Area Restoration Council
Members, Conservation Halton