

Lake Ontario Committee
REPRESENTING THE FISHERIES MANAGEMENT AGENCIES OF LAKE ONTARIO

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July 11, 2008

Ms. Irene B. Brooks
Chair, U.S. Section
International Joint Commission
1250 23rd Street N.W., Suite 100
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Submitted by e-mail
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The Right Honorable Herb Gray
Chair, Canadian Section
International Joint Commission
234 Laurier Avenue West, 22nd Floor
Ottawa, ON K1P 6K6

Dear IJC Chairs,

The Lake Ontario Committee (LOC) would like to re-iterate our position submitted in our letter dated August 23, 2007 and urge the International Joint Commission (IJC) to adopt water level regulation Plan B+. The IJC has a unique opportunity to take the courageous and historic step of balancing the environmental health of Lake Ontario and the St. Lawrence River with the range of commercial and public interests by adopting Plan B+.

The LOC deals with issues of binational concern that affect the fish community and aquatic ecosystems of Lake Ontario and the upper St. Lawrence River as prescribed in the Joint Strategic Plan for Management of Great Lakes Fisheries. The LOC is committed to the protection of these ecosystems, a commitment shared by the IJC.

We believe that the new Order of Approval and Regulation Plan, Plan 2007, does not live up to this commitment. Plan 2007 does not afford improvements in critical wetland and shoreline habitats and the myriad of fish and wildlife resources they support. Further, Plan 2007 could exacerbate the documented environmental damages that have occurred under the current regulation plan, Plan 1958DD. Average water levels under Plan 2007 would be lower than Plan 1958DD through the fall and winter. These lower water levels in winter will intensify the declines in muskrat populations experienced under current regulation. Muskrats play a key role in maintaining the structure and function of Lake

Ontario/St. Lawrence River wetlands. Under Plan 1958DD, northern pike spawning has been compromised due to low spring water levels which hinder access to spawning habitats. Water levels under Plan 2007 would be even lower during the early spring when northern pike make their shoreward migration in search of flooded vegetation critical for spawning. Plan B+, with its higher average fall, winter and spring water levels would improve habitat for these two “sentinel” species and offers the potential to improve ecosystem health and biodiversity throughout the St. Lawrence River and Lake Ontario. Plan 2007 also fails to provide the infrequent, sufficiently low water levels favorable for restoring meadow marsh wetland habitats, beaches and dunes, and provides little, if any, additional relief for shoreline property losses.

We note that the IJC documents only compare Plan 2007 and alternative plans with Plan 1958DD. We believe that by not comparing the plans to pre-regulation conditions, the damaging environmental impacts of Plan 1958DD and Plan 2007 are masked and an illusion is created depicting Plan 2007 as environmentally beneficial and a change from the status quo. The proposed new Order of Approval states “Riparian interests were addressed in the 1956 Order, and the Commission finds that it is now necessary to also make provision for the environment and recreational boating”. Unequivocally, adopting Plan 2007 would marginally improve benefits to riparian interests while inflicting greater and disproportionate damages to the environment. We do not believe that the IJC ever intended such an undesirable “resolution” to a very lengthy and costly process.

We support the proposition of the IJC to include flexibility in the Order of Approval and to employ adaptive management to refine the regulation of water levels in the future. The adaptive management scheme and parameters proposed for monitoring are not complete and need to be expanded to include measures of environmental performance on Lake Ontario and the upper St. Lawrence River. We suggest that the key component of “learning” will only be meaningful in a scheme that applies adaptive management when more contrast has been introduced. We argue that adopting Plan B+ provides the contrast necessary to “learn” so that the IJC will be able to “adjust” regulation plans in the future.

The LOC appreciates the investment of the IJC’s commissioners and staff in the well being of Lake Ontario and the St. Lawrence River throughout the study and the public consultation process. We encourage the IJC to continue to engage the governments of Ontario, Quebec, New York, Canada, and the United States as you evaluate the information gathered through the public consultation process. We encourage the IJC to responsibly invest in future of the Lake Ontario and St. Lawrence River ecosystems by adopting Plan B+.

Thank you for your consideration of our concerns.

Sincerely,



Steven R. LaPan
Chair, Lake Ontario Committee



Rob MacGregor
Vice Chair, Lake Ontario Committee

cc: Eric Boysen, Director-Great Lakes Branch, Ontario Ministry of Natural Resources (OMNR)
Patricia Riexinger, Director, Division of Fish, Wildlife and Marine Resources, NYSDEC
U.S. Senator Hillary Rodham Clinton
Mario Del Vicario, U.S. Chair, Lake Ontario LaMP Management Committee
Sandra George, Canadian Chair, Lake Ontario LaMP Management Committee
Ken Jock, Director-Environment Division, St. Regis Mohawk Tribe
Dr. Chris Goddard, Executive Secretary, Great Lakes Fishery Commission
Alexander B. Grannis, Commissioner, NYS Department of Environmental Conservation
Congressman John M. Mc Hugh
Robert Messervey, Manager-Water Resources Section/Lands & Waters Branch, OMNR
U.S. Senator Charles E. Schumer
Congresswoman Louise M. Slaughter
C. Kelly Smith, Chair, Council of Great Lakes Fishery Agencies
George R. Stafford, Director-Division of Coastal Resources, NYS Department of State
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