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The Secretary, United States Section
International Joint Commission
2401 Pennsylvania Avenue, NW
Fourth Floor
Washington, DC 20440

COMMENT ON THE PROPOSED NEW ORDER OF APPROVAL, LAKE ONTARIO –
ST. LAWRENCE RIVER REGULATION PLAN

At the conclusion of the Lake Ontario-St. Lawrence River Study the comments on your web site showed that there was more support for Plan B+ than for Plans A+, D+, and the current plan combined. **But**, you chose to ignore the overwhelming support for Plan B+ and develop, in a non-public manner, Plan 2007. Plan 2007 will cause disproportionate losses to areas other than the south shore of Lake Ontario and is not acceptable.

Your current literature states that Plan 2007 is an improvement with respect to the environment. Since the environment was never a consideration in the original Orders of Approval any effort, no matter how minuscule, would be an improvement.

Plan B+ is favored by the great majority of environmental groups including the NYS Department of Environmental Conservation (DEC). According to a March 27 article in the Watertown Times, DEC said that “We are concerned that the IJC is preparing to soon release a plan that could be as harmful as the current protocol, or even worse.” and complained that “it was left out of key discussions with the IJC...”.

Your literature and your staff indicate that once mitigation is complete we can move seamlessly into Plan B+. However, your staff also stated that the IJC does not have the money to fund mitigation; you cannot assure the public that anyone will seek mitigation nor can you ensure that both U.S. and Canadian governments will fund mitigation. You have basically “passed the buck” by attaching a mitigation caveat to the adoption of Plan B+ that you know may prevent it from ever going into effect.

According to your staff, you have no plans for an external scientific review of Plan 2007. You are lawyers and politicians; not a single one of you has a formal scientific background. Yet, you are proposing a plan that will affect millions of citizens that live in and around the basin without the benefit of a qualified external scientific review? That is unconscionable!

I recognize that the Lake Ontario-St. Lawrence River system is complex and that it is impossible to satisfy all interests completely but Plan 2007 certainly seems designed to satisfy the interests of the south shore of Lake Ontario as much as is humanly possible.

While Plan 2007 is palatable for the south shore of Lake Ontario it will cause harm to other areas such as Lake St. Lawrence:

- Plan 2007 will cause excessive shoreline erosion 47 out of 101 years in Lake St. Lawrence with near flooding conditions between April and June.
- Plan 2007 will cause low water conditions about 40 out 101 years by the end of August and 69 out of 101 years by the end of September.
- Plan 2007 mandates the lowering of the Iroquois gates during May and June 44 out of 101 years. Recreational boaters will be forced to go through the locks at a cost of \$20 each way. That is detrimental to a depressed area that relies on the River for much of its economic health.

Nowhere in the Boundary Waters Treaty of 1909 is "all interests" defined as just the south shore of Lake Ontario. Nor does the 1952 or 1956 Orders of Approval define riparians as only those along the south shore of Lake Ontario. Not only do you seem willing to completely ignore the harm that Plan 2007 will cause to St. Lawrence County you also seem to be perfectly content to ignore the environmental degradation to the entire Lake Ontario-St. Lawrence River system; that is not acceptable!

You violated Article VIII of the Treaty when you increased outflows in November 1997 to lower Lake Ontario for the south shore. The result was you cut off the municipal water supply to Ingelside, Ontario. One has to wonder WHY you found it acceptable to violate the Treaty and cut off a municipal water supply in favor of a small group of riparians who built in a flood prone area subject to severe northeast storms which exacerbate their shoreline erosion.

The taxpayers of the United States and Canada funded this \$20 million study and we deserve some honest answers. WHY did you choose to develop a new plan in a non-public manner? WHY are you choosing one riparian interest over another? WHY are you willing to allow this area to suffer excessive shoreline erosion and disproportionate loss for the sake of the south shore? WHY are you choosing a plan that will have a negative impact on the millions of citizens that live in and around the Lake Ontario-St. Lawrence River basin and sacrifice the environmental health of the lake and river? WHY are you choosing to ignore the overwhelming support for Plan B+; **what is the hidden agenda?**

Plan B+ is more equitable, environmentally beneficial and has received overwhelming support. I urge you to adopt Plan B+ as the water levels regulation plan for Lake Ontario and the St. Lawrence River.

Sincerely,

Nancy W. Foster