

**NYSDEC Statement to the International Joint Commission's
Hearing on the Proposed Lake Ontario-St. Lawrence River Water Control Orders of
Approval and Regulation Plan
Massena, NY
Thursday, June 19, 2008**

I'm Skip Shoemaker , the Regional Engineer for New York State Department of Environmental Conservation , Region 6. I'd like to extend our gratitude to the Commissioners of the International Joint Commission (IJC) for this opportunity to offer brief comments on the IJC's proposed water level regulation plan for Lake Ontario and the St. Lawrence River, referred to as "Plan 2007".

Last Wednesday at the hearing in Greece, NY, Don Zelazny, the DEC Great Lakes Coordinator , commented on the proposed regulation plan, on the Department's behalf. Following his comments the Commissioners asked a number of questions seeking clarification of his statements. The Department wishes to further clarify that testimony as follows:

DEC acknowledges the substantial environmental damage that has resulted from the current regulation plan, 1958DD, and in particular, the degradation of coastal wetlands that provide feeding, breeding and nursery habitat for a host of fish and wildlife species. I have attached to my testimony a copy of the letter which DEC Assistant Commissioner James Tierney recently sent to Mr. Russ Trowbridge of the US Section of the IJC, articulating DEC's concerns with the scientific analysis used in the development of Plan 2007. This letter expresses the concerns of many scientists who dispute the IJC's claim that Plan 2007 provides overall environmental benefits.

DEC and a number of Great Lakes environmental scientists view the proposed Plan 2007 as potentially more damaging to the environment than Plan 1958DD. The contention of these scientists is based on documented evidence that supports the findings that, in order to reverse the damaging environmental effects of the current plan, regulatory changes must occur in several areas. In addition, Plan 2007 fails to provide sufficiently low water levels favorable for restoring beaches and dunes, and provides little, if any, additional relief for shoreline property losses. In short, Plan 2007 largely mirrors the status quo.

Therefore, DEC supports implementation of Plan B+, which is the only candidate plan that effectively moves toward restoration of a more natural range of seasonal and annual water levels. Plan B+ is also the only candidate regulation plan that infrequently allows water levels to fall low enough, during prolonged periods of low water supply, to permit restoration of beach and dune habitats. Implementing Plan B+ in conjunction with a coastal restoration strategy and adaptive management plan is our recommended approach to benefit both the environment and coastal interests.

DEC recognizes that implementation of Plan B+ will require New York State, in conjunction with the United States government, to develop and implement projects to restore coastal habitats

and, just as importantly, cooperate with private property owners on the protection of private property. Similar actions will be needed in the Provinces of Ontario and Quebec. We are committed to undertaking projects necessary to restore the environment and protect public health and safety.

A critical element of this effort will be for the IJC to clearly articulate the actions that will meet its criteria for implementing Plan B+. We hope that the IJC will provide this information to DEC in the very near future, since any action that the State takes to restore or protect the Lake Ontario/St. Lawrence River coastline will be most effective if it is taken in concert with the IJC's actions to regulate water levels.

In summary, DEC urges the IJC to implement Plan B+ and work in concert with New York State, the United States and Canadian governments, provincial agencies, and our constituents to collaboratively implement a comprehensive coastal zone restoration strategy and an adaptive management plan. DEC believes we can achieve this win-win solution.

To not take advantage of this opportunity would be tragic. We look forward to continuing our discussions with the IJC relative to the resolution of outstanding issues with the implementation of Plan B+.

Again, thank you for this opportunity to share our concerns.