

REVIEW OF THE LAKE ONTARIO-ST. LAWRENCE RIVER ORDER
OF APPROVAL - PUBLIC HEARING IN OSWEGO, NEW YORK, JUNE
26TH, 2008, 135 MIN.)

IRENE BROOKS (Chair, U.S. Section, International Joint Commission):
...at 7:00 o'clock. On behalf of the International Joint Commission, I would like
to welcome you to this public hearing. This is one of ten we are holding around
the Lake Ontario and the Saint Lawrence River, and we express our appreciation
for your attendance. This actually is the tenth hearing, so this is the last that the
commissioners will be, at least this time.

I'm Irene Brooks, I'm Chair of the U.S. Section of the International Joint
Commission. With me tonight are my colleagues on the Commission, Canadian
Chair Herb Gray, commissioners Jack Blaney and Pierre Trépanier from Canada,
and commissioners Allen Olson and Sam Speck from the United States.

We're here to receive your comments on proposed changes to how water is
released through the Moses-Saunders dam on the Saint Lawrence River near
Cornwall, Ontario and Massena, New York, which affects water levels and flows
on Lake Ontario and on the Saint Lawrence River, as far downstream as Three
Rivers, Quebec. These proposals were released by the International Joint
Commission for public comment on March 28th, 2008.

After its release, the Commission mailed notices to over 5,000 people, held
ten information sessions, published multiple announcements in local papers, sent

e-mails notices and notified elected officials so that as many people as possible would be aware of the ten public hearings.

The International Joint Commission was created under the Boundary Waters Treaty of 1909 to help prevent and resolve disputes over the use of waters along the Canadian-U.S. boundary. In the 1950s, the governments asked the Commission to approve a major dam in the international section of the Saint Lawrence River.

They also asked the Commission to determine how flows through that dam could be managed to achieve certain objectives, and then approved the criteria offered by the Commission to meet those objectives. The objectives included reducing shoreline damage on Lake Ontario, in addition to enabling hydroelectric power generation and commercial navigation.

For nearly 50 years, water through the resulting dam has been released in accordance with requirements set by the Commission in an Order and regulation plan when the project was first built and then operated in 1960.

The Commission is now proposing changes to those requirements. It issued for public comment a proposed new Order of Approval and regulation plan for this dam – in essence, a proposed new legal framework and a proposed operational plan to implement it.

Our staff held ten information sessions here in the region during April and May to explain the Commission's proposal and answer technical questions about

the content of the proposal, so we don't need to spend a lot of time tonight covering that ground again.

The purpose of tonight's hearing is for us to hear your comments about our proposal, and we'd like to leave as much time for that as possible. However, our lead staff – and I'll ask them to stand up so you can see who they are – will stay at the conclusion of this hearing to answer any remaining informational questions you may have.

Now I'd like to explain the procedure we'll be following this evening. Note that this is an international meeting in every respect. Whether you are from Canada or the United States, we encourage your participation. We really welcome your comments to ensure that all relevant matters are taken into account.

If you wish to comment and did not so indicate when you registered, please see our staff at the back of the room, or you may have a card on your chair, to register to speak. You can register to speak at any time during tonight's hearing. Other than providing elected officials with the courtesy of speaking first if they wish, we will turn to those speaking to us for the first time on a first-come, first-served basis.

Anyone who has already made a presentation, either at this hearing or at a previous hearing, may provide additional comments after others have had their opportunity to speak. I'll announce those whose turn it is to speak so you know when to get ready.

When you speak, we ask you to please state your name and let us know whether you are speaking as an individual or on behalf of an organization. We ask you that you limit your oral comments to five minutes so that everyone who wishes may have a chance to speak.

Our secretaries will keep track of the time. And there is a little box on the table, green light will indicate that there are 30 seconds left, and then the red light will indicate that your time is done.

If you want to submit written statements or presentations in addition to your oral presentation, in either paper or electronic format, please provide them to our secretaries, who will later provide a copy to all commissioners and will make sure that they are included in the official record.

We are recording this hearing and all comments tonight will be part of a transcribed official record. Please use the microphone when you speak so that your comments can be included in that transcript. Transcripts from all ten hearings will be posted to the Commission's website once they are available.

Commissioners may ask a few questions, particularly if we need clarification. Our questions and your responses will not be part of your allotted time.

We would appreciate one spokesperson for each organization that would be here tonight. If you want to make your own individual comments, please do so. However, in the interest of time, if you find that presenters before you has

already made your points, please consider simply stating that you also support those points.

Following the hearings, we will accept written comments through July 11th. We invite you and your friends and neighbours who could not be here tonight to send any information or views that you might find helpful. Submissions can be made to either Commission secretary by email, fax, or regular mail. I assure you that anything that is sent will be given full consideration and provided to all commissioners.

We will not make any decisions until after we have considered all public comments. We have been consulting with the U.S. and Canadian federal governments through the Department of State and Foreign Affairs, including in meetings to which state and provincial officials have been invited, and will be holding further meetings with them prior to seeking federal governments' concurrence on a final order and regulation plan.

We have three elected officials so far, and we will begin with Steve LeRoy. And Steve, we welcome you to come up.

STEVE LEROY (Supervisor, Town of Sodus): Good evening. My name is Steve LeRoy, I am Supervisor of the Town of Sodus and serve on the Wayne County Board of Supervisors.

I am the fourth generation of my family living in the town of Sodus. For the 25 consecutive years prior to my being elected to this office, I was a full-time charter boat captain on Lake Ontario. I am also a registered New York State

guide. To date, I have logged over 3,200 hours operating on the open waters of Lake Ontario and Sodus Bay.

The Town of Sodus does not generate power. We have basically no factories and only a handful of large businesses. Our economy is heavily reliant on two things, agriculture and tourism. Not unlike our northern neighbours, our bays and our lake are essential to the economic well-being of our community.

The data that's been compiled with regard to the IJC's proposed new Order of Approval was based on modelling and economic projections of coastal damages. If incorrect or insufficient data is entered into the model, the projected consequences will be skewed.

In developing plans B+ or 2007, there were no calculations entered in the model that would accurately reflect damages due to erosion of public lands. In the economic damage estimates, there were no numbers entered that would reflect the loss in property value to landowners.

The 2008 Wayne County tax roll indicates that there are 2,120 tax parcels containing a total assessed value of \$370 million that are directly impacted by lake water levels, yet the drop in tax revenues were not included in the economic damage estimates.

In the final analysis, the data estimates with regard to potential economic impact on Wayne and other counties bordering Lake Ontario are incredibly inaccurate and inconclusive.

In 1956, the IJC amended its Order to include regulation criteria designed to reduce the levels experienced on Lake Ontario, facilitate navigation in the Saint Lawrence River, and provide a riparian and other interests downstream for the province of Quebec.

Now the very same geographic location that spawned the 1958D plan is advocating B+. At the hearing last night in Alex Bay, there were hundreds endorsing the B+ plan, perfectly understandable when the interests of that community revolve around the river.

But what about us? What about the communities that would potentially be destroyed by the B+ plan? We all share this lake. How is it that one part of the lake can be justified in wiping out the other?

There has been a lot of focus on the impacts these various plans will have on wildlife, B+ seeming to be the favourite. Consider this: the bluffs that adorn most of the southern shore of Lake Ontario are home to thousands of cliff swallows. These birds burrow under the bluff and nest and raise their young.

By raising lake levels, these bluffs will undoubtedly get undermined every time the prevailing wind blows, and there will be no question that thousands of these birds will be buried alive when the bank collapses, and it will, with tonnes of soil avalanching to the bottom.

The bald eagles that nest on these bluffs will also lose their homes. In recent years, we've had increasing numbers of (inaudible) swans taking up residence in our bays. We've never seen these birds in the past, so they've

obviously adapted to our current lake levels. To change their environment now may very well cause them to leave.

There are many other species of animals and plants that have evolved and adapted to our current lake levels. In an effort to help one species, you'll be hurting another.

Since the 1950s, we have built our communities on the IJC's current Order of Approval. Our shoreline development was based on the IJC's promise of 247.3 feet as a high. To raise that level now, 50 years after the fact, would have disastrous implications on our community.

With our prevailing wind, even a marginal increase in water levels will cause serious damage and/or economic loss to the communities bordering the southern shore of Lake Ontario and its embayments.

Lake levels approaching or exceeding one foot over the current high would have catastrophic consequences. Much of Sodus Point would be under water. We would be facing a disaster that would undoubtedly reach tens of millions of dollars in damages. Our communities would be forced to endure immeasurable property loss and could be driven into economic depression.

The flooding that would ensue will contaminate wells, ultimately posing a serious health risk to our residents. The increased height of the water table will break water lines and sewer lines and damage roads. The losses submitted in insurance claims will be astronomical.

I've handed the commissioners some photos that will verify what I've said will in fact happen. The information I've given you here tonight is factual, it's not coming from a scientific model. It would be a terrible thing to discount or ignore the inevitable in making your decision.

The Town of Sodus and Wayne County does not support any plan that will permit a modification to the four-foot target range for Lake Ontario level 243.3 to 247.3 as contained in the existing Order of Approval.

I implore the IJC not to place a disproportionate burden on the south shore of Lake Ontario. Please do the right thing; save our community from ruin. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Steve. Next is Kim Park.

KIM PARK (Town of Wolcott / Wayne County): Good evening. My name is Kim Park, I am Supervisor of the Town of Wolcott and I am here representing the Town of Wolcott, as well as Wayne County.

Wayne County's northern boundary consists of nearly 35 miles of Lake Ontario shoreline, which does not take into account the additional waterfront provided by four unique bays.

Great Sodus Bay is the largest enclosed embayment on the south shore of Lake Ontario, with a surface area of approximately 3,200 acres draining a watershed of over 46 square miles.

Nearly 21 miles of bay shoreline is developed, with restaurants and shops, seasonal and year-round homes, public parks, marinas, and marine-related

businesses. Recent investments in these businesses, homes, and parks, have been made on existing lake level management.

Given the value of and investments made in county waterfront property, Wayne County would like to respectfully express its opinion regarding the International Joint Commission's proposal and new Order of Approval and Plan 2007.

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Wayne County does not support any plan that will permit a modification to the four-foot target range for the Lake Ontario level, as contained in the existing Order of Approval.

The IJC has affirmed in the proposed new Order of Approval the commitments made by the government as part of the project approvals in the 1950s to protect the shoreline communities.

However, it is not clear that the proposed new Order and the operating plan 2007 actually meet these commitments, which years of shoreline development has been based upon.

In particular, the proposed reliance on modelling and economic projections on coastal damages rather than water levels is only valid if the modelling and economic analysis are accurate and comprehensive.

The review of the study by the U.S. National Research Council and the Royal Academy of Canada indicates that the analysis of coastal processes is not sufficient and is not adequate upon which to base decisions.

In addition, the study's own minority report highlights many deficiencies in the analyses and assumptions utilized, including the following that directly affect local governments.

Losses due to erosion of public lands, such as Bear Harbor, B. Forman Park (?), Beechwood State Park, Wayne County Sodus Point Park Beach, and the New York Chimney Bluff State Park, were not included in the economic damage estimates.

The loss in property value to landowners, many of which are commercial entities, due to increased erosion damages and the direct loss of land area was not included in economic damage estimates.

The drop in property tax revenues to local governments due to property value decreases from erosion damage and threat of flooding were not included in economic damage estimates.

The 2008 Wayne County tax role indicates that there are approximately 2,120 tax parcels, containing a total assessed value of nearly \$370 million, that are directly impacted by lake water levels.

The upper end of the four-foot target range for Lake Ontario levels as contained in the existing Order of Approval would be exceeded by approximately one foot before any action could be even contemplated to avoid flooding and severe erosion.

This is unacceptable since seawalls, boat launches, docks, and other public infrastructure have been designed in reliance on that target four-foot level range. It is unclear who will pay for the redesign and reconstruction of these facilities, both public and private.

The losses projected to the recreational boating industry under Plan 2007 will result in severe economic distress to many local communities and businesses, including those associated with Sodus Bay, Port Bay, Blind Sodus Bay and East Bay, located in Wayne County.

Wayne County and our people depend on agriculture and tourism as a source of economic revenue. It will also negatively impact local governments through losses of property and sales tax revenues. The IJC has a responsibility under the Boundary Waters Treaty to compensate for these losses before implementation of Plan 2007.

Until the analysis of coastal processes is complete and sufficient, which will include specific economic damage figures and associated mitigation measures, Wayne County urges the IJC to not adopt the proposed new Order of Approval and Plan 2007.

In closing, I just would like to say I attended the public hearing last night in Alexandria Bay and I hear what the people on the Saint Lawrence River are saying. However, it appears to me that they have had the last 50 years to adapt to these water levels.

The new range that is proposed would be absolutely devastating to every fibre of our community. Whether you're talking about estimated losses in the property values or sales tax revenues, our people in Wayne County cannot afford to have increases in property taxes due to loss in estimated value. We cannot afford to lose any more businesses.

I would just urge the Commission to keep those things in mind when they're making this decision, and I thank the Commission for giving us the opportunity to speak tonight. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Kim. Kim, we need you back here, we have a question.

HERB GRAY (Chair, Canadian Section, International Joint Commission): (inaudible)...questions after the presentation, and I would like to clarify exactly what your position is. You don't want 2007 and I gather you don't want B+, right?

KIM PARK: We certainly don't want B+.

HERB GRAY: But what do you want?

KIM PARK: We don't want anything that would change the range that we currently live with. It's what all of our infrastructure is based on. For example,

where I live, on Port Bay, we do not have municipal water, we do not have municipal sewers. This would be absolutely devastating to our water table, to our drinking water. We can't afford to have that happen.

In our community, tourism and those properties that are around our waterfront and our charter boat fishermen, it's so much of what our people depend on for their economy, it's just not something that we can afford to lose. And that's really what I come here to urge.

HERB GRAY: Well, are you urging that the existing Order that came into existence in 1958, developed in 1956, 1958D, remain unchanged indefinitely?

KIM PARK: That is what Wayne County would like to see, is that we have the levels remain unchanged. It's what all of our infrastructure is based on.
(APPLAUSE)

SAM SPECK (Commissioner, U.S. Section, International Joint Commission): First, I want to thank you and your predecessor for the excellent testimony you have given.

KIM PARK: Thank you.

SAM SPECK: And we take it very seriously and very respectfully. I have to ask you, though, following up on the Canadian Chair's question, what would you say to folks like those you heard last night, who are saying that the present system is hurting them a great deal?

And what would you say to those who are looking at the environmental impacts which are attributable to the current Order and are certainly very

seriously damaging the wetlands and marshes and are likely to continue to do so?`

You folks live along the lake, they live along the lake, and we're trying to find a better balance here. And I'm really impressed that you went to the hearing last night, as did your predecessor, and would appreciate what help you can give in how to meet their needs just as we might them how to meet your needs.

KIM PARK: Well, first of all, I've attended different seminars, and as I said, I attended the hearing last night, and I think there's quite a variety of information that is out there, whether you're talking about what the environmental impact is or what exactly the range would be, higher or lower.

I've heard some people say it would only be four inches. But in further research, that's not what we have found, is that it would be a foot. You know, just because we have lived with this plan for the last 50 years doesn't mean that we haven't struggled with low water and high water. We have to deal with the range as well, and we have run the gamut in this past year.

But what I guess I would say to the Commission and to people in the Saint Lawrence and our Canadian neighbours, we want something that is a fair and equal balance.

I heard what the people last night were saying on the Saint Lawrence, and you know what, I love the Saint Lawrence area. I enjoy the Alex Bay area. And they have so many of the same problems economically that we do now.

I heard those public officials get up there last night and say our industry has left, we have nothing, we are now trying to depend on tourism. When September comes, we can't move our boats.

You know, we have that same thing in our area also. It's not something that's unique to them. But for the last 50 years, we have dealt with this water level, we have dealt with this expected range, we have built our economy and our infrastructure around it, just like they have for the last 50 years.

We can't deal with the unknown economy in the future. It's tough enough now. And I'm afraid, folks, it's going to get worse. I am just here representing my people and saying we can't afford any more economic losses and we need a fair and equal balance.

SAM SPECK: I hesitate to begin asking question at this stage, when we have so many people to speak, but this question would be maybe for future speakers as well. The point that you and your predecessor made about the loss of tax revenue when there has been flooding, any data that you could provide us demonstrating the loss of tax revenue in previous flooding times would be something that would be appreciated.

KIM PARK: We can certainly get that together for you and we will give you that in written format. You know, when I was at the hearing last night, every time someone would have questions that were asked of them and they'd have to come back to the podium, you would say, wow, you must be a really good

speaker, we're not going to let you go tonight. How come you haven't said that to me? (LAUGHS)

IRENE BROOKS: You haven't (inaudible)...

SAM SPECK: It was obvious, we didn't need to. (LAUGHS)

KIM PARK: I'm getting ready to go now. Thank you very much.
(APPLAUSE)

IRENE BROOKS: Another question.

KIM PARK: Another question.

HERB GRAY: Come back at nine.

KIM PARK: Come back at nine, okay. (LAUGHS)

JACK BLANEY (Commissioner, Canadian Section, International Joint Commission): If you wanted an assessment as a speaker, I thought you represented your people excellently.

KIM PARK: Oh, thank you very much. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Kim. Brian Kerkhoven.

BRIAN KERKHOVEN (Office of Congressman Jim Walsh): Hi and good evening. My name is Brian Kirkhoven, and I am here giving testimony on behalf of Congressman Jim Walsh from the 25th District of New York.

Congressman Walsh's district includes shoreline that runs from Fairhaven, New York, all the way to Rochester, and includes Wayne County, which you just heard two more vocal supervisors.

We include Sodus Bay, Port Bay, Blind Sodus Bay, East Bay, all in Wayne County, and also Irondequoit Bay, which is in Monroe County, to the east side of Rochester. So welcome back, everyone, to central New York, and thank you. This is on behalf of Congressman Walsh.

I applaud the process the International Joint Commission has undertaken regarding the regulation of water levels in Lake Ontario. Throughout this process, the IJC has taken proper steps to consider the environmental concerns as well as the protection of private property, specifically on the lake's south shore.

As an avid outdoorsman who regularly fishes the estuaries and deep waters of Lake Ontario, I respect the will of our environmental community to further expand the protection of wetlands and the lake's mammoth watershed.

Plan 2007 adequately addresses environmental improvements for Lake Ontario. The inclusion of performance indicators and the flexibility of Plan 2007 to address adverse scenarios is a logical compromise to all of the interests of concerned parties who have voiced their opinions throughout this planning process.

Only Plan 2007 provides a delicate balance of increasing environmental safeguards while protecting the shoreline and the homes of many New Yorkers. Any changes to further augment the environmental safeguards could have a damaging effect on the south shore.

At current water levels, citizens of the south shore are already experiencing dangerous erosions to their property. To further exacerbate this

erosion will be financially devastating to property owners and will have an adverse effect on water quality and clarity.

Neither New York State nor the federal government is in any financial position to support landowners should their properties require preventative or corrective measures to address flooding or erosion concerns as a result of the IJC's decision.

For most people, these properties, especially those of primary residences, are the family's largest single investment, and protecting them should be a major concern.

I urge the IJC to continue in the direction it has taken and offer you praise for the process implemented thus far. Plan 2007 will further protect the environment while protecting the interests of property owners along the entire lake's south shore. We can do both. Thank you very much. (APPLAUSE)

IRENE BROOKS: Thank you, Brian. Chair Gray?

HERB GRAY: You know, we are impartial and non-partisan, but I'm going to ask you a small (inaudible) question. Your Congressman is one of several along Lake Ontario and the Saint Lawrence, and some of your Congressman's colleagues in the House of Representatives seem to be promoting B+. How does your Congressman plan or how is he working with his fellow congressmen or congresswomen to come up with a consensus in terms of recommendation to the two national governments?

BRIAN KERKHOVEN: You are referring to Congressman McHugh and Congressman Slaughter, who are both in favour of Plan B+. And for a long time, Congressman Walsh was in favour (inaudible)...testimony from the previous speakers, and that simply is why Congressman Walsh changed (?) his position. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you. Our next speaker is Ray Whitemore, followed by David Higby.

RAY WHITEMORE (Director of Conservation Programs, Ducks Unlimited): Good evening, commissioners. My name is Ray Whitemore. I am the Director of Conservation Programs for Ducks Unlimited, in the North Atlantic and Mid-Atlantic States.

Ducks Unlimited is a national non-profit conservation organization with approximately 1,000,000 supporters and volunteers. Our mission is to protect, restore, enhance and manage wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

I am here on behalf of the 15,000 Ducks Unlimited members who reside in New York and the thousands of non-resident DU members that visit the region for the abundance and diversity of waterfowl and the activities such as hunting, fishing, and other recreations they partake.

I am also here to request that the International Joint Commission support for Plan B+.

Ducks Unlimited's international conservation plan identifies the Lake Ontario and Saint Lawrence River basin as a priority habitat for waterfowl. Hundreds of thousands of ducks and geese rely on this area during spring and fall migration. And the Saint Lawrence River Valley is also recognized as one of the most significant duck breeding regions in the northeastern.

In addition, Lake Ontario and the Saint Lawrence River are recognized by an array of state and federal agencies, as well as other non-government conservation organizations, as an area of critical habitat for a diverse community of bird and fish species, some of which are rare and endangered.

Over the past 50 years, the quantity and quality of wetland complexes within the Lake Ontario and Saint Lawrence River basin have declined due primarily to water level regulations instituted under the 1958D plan.

The recently-completed IJC study indicates that nearly 33,000 acres of productive wetlands have been lost and the diversity of the remaining wetlands has diminished, lessening their productivity for a broad range of fish and wildlife.

Ducks Unlimited, along with other conservation partners, have been working in this region for over 20 years to restore and protect wetlands and important waterfowl and other wildlife. Tens of millions of dollars have been spent on this effort.

We are currently working with the U.S. Fish and Wildlife Service, the College of Environmental Science and Forestry at Syracuse, the Department of Environmental Conservation and others to restore diversity and productivity to

cattail-dominated wetlands within the French Creek wildlife management area. French Creek basically is symptomatic of the degradation that has occurred because of the water regulations put in place in 1958.

This is the first project of many that target restoring the diversity and productivity of the marshes within eastern Lake Ontario and the Saint Lawrence River and their tributaries.

Implementation of Plan B+ will greatly increase the efficacy of our work. It will also restore a much larger area of diverse wetland habitat than we can ever hope to impact in our lifetime.

DU has its mission and hence its reasons for supporting Plan B+. At the same time, we acknowledge the concerns of lakeshore communities and the property owners to the periodic water levels. Much of their hesitation can be addressed through the implementation of a comprehensive shoreline protection plan. Ducks Unlimited would be more than happy to work with whomever, a coalition of organizations, to implement such a plan.

We appreciate the opportunity to weigh in on this decision-making process by expressing support for Plan B+. This is a historical moment that will determine the health and well-being of this system for future generations of people as well as fish and wildlife that depend upon it.

DU strongly urges the IJC to endorse and implement Plan B because it is the most environmentally sound plan and provides the greatest benefits for the majority of interests. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you. Question? David Higby, followed by Thomas Riley.

DAVID HIGBY (The Nature Conservancy): Ten of ten. Congratulations (inaudible)...

UNIDENTIFIED: We're feeling pretty good, too.

DAVID HIGBY (Director of Federal Government Relations, New York chapter, The Nature Conservancy): I bet you are. I'd like to offer you an adult beverage as celebration, except the new ethics rules prohibit that kind of gift. Chairwoman Brooks, Chairman Gray, commissioners, thank you for the opportunity to speak with you tonight.

My name is David Higby, I am the Director of Federal Government Relations for the New York chapter of the Nature Conservancy. The Nature Conservancy, a non-governmental conservation organization, is committed to protecting nature as the means of preserving life, including the human economies and ways of life that depend on healthy ecosystems.

This is the principle that has guided our participation in the IJC study to develop a new regulation plan for Lake Ontario and the Saint Lawrence. Our commitment to healthy ecosystems as the foundation for healthy and sustainable human economies is the basis for our organization's support for Plan B+ as the balanced approach to regulation of Lake Ontario.

We view Plan B+ as an excellent compromise that will partially restore natural patterns of water level and flows, provide clear economic benefits to the

citizens of the lake and river ecosystem, and minimize additional cost to any one sector.

Our sector for Plan B+ extends to the highest levels of our organization since we view the new regulation plan as an opportunity to restore the wetlands, coastal habitats, and species of an entire Great Lake.

We commend the IJC for bringing such a balanced approach to regulation as B+ represents forward for public comment and congratulate this Commission's Study Board for an excellent and informative final report.

This report and its annexes provide a great deal of important information, and we urge everyone with an interest in the lake and the river to read the report that's been widely distributed and is available on your website. A common, thorough base about the issues of regulation will greatly aid this ongoing public discussion.

One of the issues addressed by the IJC's final report is that of erosion, and the report points out that erosion occurs with all of the regulation plans being considered, including Plan 2007. Erosion is an inevitable and natural process and will continue no matter which plan is put in place.

As we have said, however, in earlier presentations to the Commission, our support for Plan B+ comes with the recognition that creative solutions need to be found to help shoreline property owners protect their investments, to the extent that Plan B+ may result in a slight increase in the annual average cost of maintaining shore protection.

We have suggested that solutions may include expedited permits for repairs to shore protection or insurance to partially cover the cost of repairs to break walls, for instance, and that a key step will be identification of shoreline reaches that are most subject to erosion.

We remain convinced that a solution can be found to minimize impacts to shoreline investments while permitting Plan B+ to go forward, and we are ready to commit the resources of our national and state organizations in the search for such a solution.

Plan B+ rests on a solid scientific foundation. The conclusions of the wetland research and modelling in the IJC study are consistent with other scientific literature worldwide on the impacts of stabilizing a river or lake.

The science is clear. When natural variability and water levels and flows is reduced, a few dominant species take over and the diversity and quality of coastal habitats decline. This is exactly what has happened on Lake Ontario, and the IJC's wetland model clearly shows that Plan B+ would address 50 years of environmental damage.

Finally, we'd like to speak directly to the residents of the shoreline and to everyone who boats, fishes, hunts, bird-watches or recreates on the lake, and to all the businesses that serve and benefit from those pursuits.

If you like beaches in front of your house or experience a thrill at the sight of a northern pike or appreciate healthy, diverse wetlands and the full complement of waterfowl that depend on these wetlands, or love boating in the

fall, or want to increase tourism in our region, or appreciate lower-cost electricity, then Plan B+ is the plan for you.

Lake Ontario and the Saint Lawrence River are shared resources, and Plan B+ is the plan for all of us. We urge the IJC to listen to the State of New York and so many others and to the thousands of local citizens and implement Plan B+. Thank you for the opportunity to speak today, I appreciate it very much.

IRENE BROOKS: Thank you. Chair Gray?

HERB GRAY: I have two brief questions. The first is I presume you're aware that the Study Board did not recommend B+ as the preferred option. It set it forward as one of three.

DAVID HIGBY: That's correct. And B+, of course, is the one of those three that the Conservancy, when we brought our resources to bear on that, that we're in support of.

HERB GRAY: Then you said at one point in your presentation that you feel solutions can be worked out to overcome the minimum negative effects on shoreline owners of B+. How do you define minimum?

DAVID HIGBY: We recognize that this is an ongoing process. That's what adaptive management is about, that's what mitigation is about. We're in this for the long run, as are you, and we intend to work with, for instance, the New York State Department of Environmental Conservation, for ongoing monitoring and any mitigation activities and expenses that are incurred by whatever plan that is adopted. Of course, we're hoping it's B+.

HERB GRAY: Thank you.

IRENE BROOKS: Thank you.

DAVID HIGBY: Thanks very much.

IRENE BROOKS: Thank you very much. (APPLAUSE) Thomas Riley, followed by Gerry Smith.

THOMAS RILEY (Conservation Chair, Onondaga Audubon Society): All this walk about wetlands and water has made me thirsty. If I can take a second here. Thank you very much for the opportunity to comment.

My name is Tom Riley, I'm a resident of Cayuga County. I'm here in my role as Conservation Chair of Onondaga Audubon, the 1,200 member chapter of national Audubon.

In 1972, the pesticide DDT was banned from use in the United States. At that time, there were less than 300 breeding pairs of bald eagles in the lower 48 states. There were many powerful voices predicting economy ruin for farmers, skyrocketing food prices, and a nation overrun with insects if DDT were banned.

Today, there are over 10,000 bald eagles in the lower 48 states. It is a remarkable conservation success story. The ban on DDT is a contentious, difficult decision, but it was the right thing to do.

Now I'd like to quote from a book called Eaton's Books : Birds of New York, it's a New York State Museum publication: "I am pleased to report the black tern is a regular summer resident in the marshes near the mouth of the Big Sandy Creek, Jefferson County, New York. Mr. Snider estimates there were 150

pairs of breeding birds. Mr. William Hadegorn (?), keeper of the light station, writes that there were probably 1,000 birds in the marshes.”

What I left out of that quote are the dates. The book was written in 1910, and the respective figures for the black tern populations are from 1903 and 1905. The black tern population as reported in the 1985 New York State Breeding Bird Atlas is about five breeding pairs in the same Sandy Creek marsh. In 1985, there were 29 sites along the Lake Ontario shore reporting black terns.

The 2005 Breeding Bird Atlas – the data is in, but the book is being published now – reports a disastrous drop to only 15 breeding sites for black terns along the lakeshore. If this data line continues, black tern will not be a breeding species along Lake Ontario 20 years from now.

You have the opportunity to do the right thing and restore the marshes of Lake Ontario to their former viability. Setting aside Plan 2007 and embracing Plan B+ would be the right thing to do. We all know it’s a difficult decision, but it could do for the black tern and northern pike and many other wetland species what the DDT ban did for the bald eagle, osprey, and peregrine falcon.

It is my fondest hope that you, all of you and I can visit the mouth of the Sandy Creek on the eastern end of Lake Ontario some June morning 20 years from now and show our grandchildren what a marsh looks like, with 150 nesting pairs of black terns.

We could do that if you make the right decision, a decision in favour of Plan B+. Any questions?

JACK BLANEY: I'd be quite happy to be almost anywhere 20 years from now. (LAUGHS)

THOMAS RILEY: Me too.

JACK BLANEY: If that were a certainty.

THOMAS RILEY: You will. (LAUGHS)

HERB GRAY: Let's all put this in our agenda. We'll resume here if necessary in 20 years.

IRENE BROOKS: Gerry Smith, followed by Richard Barrett.

GERRY SMITH (President, Onondaga Audubon Society): Hello, I'm Gerry Smith, and among other things, I'm President of Onondaga Audubon and will be happy to arrange the field trip 20 years from now. I thank you all for the opportunity to give some thoughts on all of this.

One of the things that I am going to sort of be urging the IJC to do...you have an impossible task, there is no question about it, because you are charged with attempting to regulate a very complex system.

But what I'd like to do is urge you all to regulate that system based on organisms that are not in this room tonight, black terns and other species. I certainly understand the concerns of the south shore residents, but we need, as a society, to look at a much longer-term view of the world.

When it comes to Lake Ontario, we have to remember that the south shore of Lake Ontario has been subsiding while the north shore has been rebounding since the glacier left.

Water level regulation is something that has been around for 50 years. The natural fluctuations of natural cycles upon which wildlife and natural systems depend have been around a lot longer than that.

We really need to mimic those systems as closely as we can regardless of the cost because, quite frankly, the impacts...we must take into account the impacts on current generations, but we must take into account much more, the impacts on future generations.

Plan B+ will help restore a healthy Lake Ontario, a much more healthy Lake Ontario.

Essentially, what you all are being asked to do is...one of my favourite quotes comes from the Grahams in Florida. The former governor and senator, his grandfather helped drain the Everglades. He was helping to try to restore them.

We learn from our mistakes. Ecologically, Plan 1958D was a mistake, and Plan B+ will help correct those mistakes.

You know, I speak as a president of an organization that owns an eroding bluff. The bluff is called Derby Hill, and it is the finest hawk-watching site in eastern North America in the spring, at least one of them, and the erosion there has been going on since I first set foot on that bluff some 40+ years ago.

Now personally, I'm rather fond of that place because it made me, as I saw my first bald eagle fly over in the 1960s, permanently hooked to become a professional ecologist, conservationist, land manager.

We need to assure that those sorts of places are there, but they will be there regardless. I did a calculation on the lands that Onondaga Audubon owns and at the current rate of erosion, I figure it's going to be about 2,800 years before we have to worry about not being able to watch hawks from there.

I'm going to leave that to a future president of the organization. We need to again take the long view and look at this as a very complex system.

So basically, I obviously support the previous four speakers' comments and hope that all of view will support Plan B+. Implement shoreline protection where necessary, but we have to, as...

Your comment regarding the fact that you hope to be here in 20 years...well, I'm kind of looking around this room and thinking about the fact that the fluctuations that people around to level 248 might happen four times in 100 years under Plan B+. My guess is that most of us in this room would be doing well to be around to see one of those, probably, certainly won't see two.

And we have to look at it from the standpoint of...as landowners – and again, Onondaga Audubon is a landowner – we need to not put our selfish, self-centered interests ahead of the interests of future generations of humans, wildlife, and other things, because we have to make adjustments to live with the natural world, not against it.

And that's been one of our great failings of western societies. We only need to look at our friends in the Midwest who built in floodplains, and the

solution there is that many people are starting to consider moving villages and cities.

Well, frankly, that's what precisely should happen. We may have to, in areas of the subsiding south shore of Lake Ontario, consider the necessary relocation of property owners over time.

And I know that could be a tough pill to swallow, but as previous speakers have indicated, erosion has been consistent for a very long time, it is going to continue. What we are talking about is frequency and how long we can delay some of these areas from possibly being incorporated into Lake Ontario.

And if that delay results in great ecological costs, then we're all poorer for it. While some landowners may be well served, society as a whole suffers. Thank you for considering my remarks.

IRENE BROOKS: Thank you. A question. Chair Gray?

HERB GRAY: Speaking of society as a whole, you said Plan 1958D linked with the relevant control order was a mistake. But I recall and am reminded that that control order enabled the building of the Moses-Saunders dam. And are you saying it was a mistake to provide...

GERRY SMITH: Well, I hate to...

HERB GRAY: Just a minute.

GERRY SMITH: Yes.

HERB GRAY: ...to provide the hydro power for business and municipalities and transportation to millions of people that comes from hydro generation of that dam?

GERRY SMITH: What I think, Mr. Chairman, is that if you were...I often look – and I'll use a quick example – that dam, the entire seaway complex and the New York State thruway, all of the things that were built in the 1950s, many of them might not well have been built had they waited until the passage in the U.S. of NEPA in the 1970s.

Those projects were done without adequate assessment of ecological cost. Now we can argue whether they should have been done or not done, but the thing is they were not adequately considered.

And of course, Plan 58D essentially considered only navigation and power production, and ecological concerns were not in any way considered, which is basically why we have to move toward a Plan B+ to correct those mistakes.

Just as when the Everglades were drained, it was thought to be a wonderful idea. I think the residents of the city of Miami right now, who want to restore the Everglades so they have a viable fresh water source, would question the wisdom of previous generations. We learn as we grow, hopefully, as a society, and we are...

HERB GRAY: Is it the position of your organization that the power produced by the Moses-Saunders dam shouldn't have been produced and made

available to people on both sides of the border, in the hundreds of thousands or millions?

GERRY SMITH: I think that we...I don't...the way I'm phrasing this, I don't think we can go back to 1958 and say that. I think perhaps it should have been...by today's standards, it would have been more carefully considered and you might well have had the same result, and the Saunders power dam might have been built.

My point is that because of that decision, there has been significant ecological damages to the Saint Lawrence River and Lake Ontario. That decision is going to stand because that dam is not going anywhere soon, I'm quite sure.

But because that dam is there and because these changes have been made, it is the responsibility of all of us to try to mitigate the damage that occurred from that.

HERB GRAY: Thank you.

IRENE BROOKS: Thank you very much. Richard Barrett, followed by Sally Sessler.

RICHARD BARRETT (Onondaga Audubon Society): My name is Richard Barrett, I'm with the Onondaga Audubon Society, and thank you for letting me talk. I support Plan B+ for the following reasons.

Restoring the natural cycles of the lake and river will help save marshes, dunes, and other wetlands necessary for habitat for birds, fish, plants, and mammals and all other species.

Marshes and dunes play an important role in protecting the shoreline from storms, holding soil erosion down, help with water quality, and in some cases filter sewage. These plans will help the economy by producing more fish, birds, and game for hunting.

Shipping and hydro power will improve because of better water levels. The most important reason is it will help us all by providing less stress in our lives. And that's the conclusion of my statement. I made it real short and sweet because I didn't know how long it would take to talk.

UNIDENTIFIED: Thank you very much.

RICHARD BARRETT: Thank you.

IRENE BROOKS: Thank you.

JACK BLANEY: You made it clear, too.

IRENE BROOKS: Sally Sessler, followed by Sharon Maher.

SALLY SESSLER: Good evening. My name is Sally Sessler. I am a landowner, private landowner on the eastern shore of Lake Ontario; I've been there over 60 years. I attended the information meeting that was held here in April and read the material that was given to us.

After review of the two plans that were given to us as options, I would prefer Plan 2007. I do not want Plan B+ for several reasons. Number one, according to the information, B+ could allow a level of 248 feet. This is much too high for Lake Ontario on the eastern shore.

The level this spring went up to 247.18, approaching the high end of the four-foot range it's allowed. There was erosion and damage occurring at this time.

We need to remember the prevailing wind is a westerly wind, and of course we bear the brunt of that on the eastern shore. We had several high winds during this time and it caused some damage, wave-induced damages.

Another reason, B+ has no provision for flooding and erosion conditions, no deviation provided with an immediate response. It's not...in this time, there was an opportunity to contact the Board of Control and there was more or less an immediate response.

Mitigation is another issue. I do not understand what that means. It seems to be a grey area. Who is going to pay for this? The federal government, State government? What will be done? There does not seem to be any specific answer. Where does the money come from? I fear that it comes from taxpayer dollars, and so that's basically us. If someone's house falls in the lake, will the landowner be reimbursed, for example, the \$500,000 that his property is assessed for?

The environmental groups want high and low levels. We have had higher levels – as I mentioned, this spring 247.18, and 2002, in the spring, it was 247.21; also in 1998 and 1993 – I'm not going back too far, that's recent memory.

Last fall, there were low levels. We welcome the low levels. But that is the only time I remember them since the '60s.

I also question the science from the study. The National Research Council reviewed the science and said that the scientific work was not sufficient or adequate.

The economy, we have mentioned before, the study did not include the economic impact of lost land due to erosion. It never included this despite being brought up at several public hearings and also by participants in the study.

Landowners pay high taxes for waterfront property. All interests should be considered, not only the environment interest. I respect the environment, I appreciate the beauty of our area and I want to preserve it.

In October of 2007, New York State designated the 17-mile stretch on the eastern shore as a natural heritage area to be preserved and restored. I want the beaches and dunes to be preserved. Higher levels on Lake Ontario will destroy the dunes and bury the beaches. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Sally. Sharon Maher, followed by Dereth Glance.

SHARON MAHER (Sodus Bay Intermunicipal Committee): Hi. Thank you very much for this opportunity. I also have lived in view of Lake Ontario in Sodus Bay for over 45 years. I am not economically impacted myself because I don't own waterfront properties that may be flooded, but I am here for the area, the whole lake, and for the issues that have brought us here.

Looking at what has gone on since 1958, there had to be some good studies in there because it looked like a pretty good compromise and it has really supported a lot of industry, hydro power and things from that time.

Looking at a drastic change or a change that would impact what has been developed since then I think would negatively impact many of the counties economically. I mean, there are some very, very low-income issues in our counties, as people have been saying.

I am here to recommend no change. As you can see by my sign, 2007 is a compromise (inaudible) to that. I don't think we can outguess Mother Nature, and we've seen, even with 1958D, that we've had high and low waters where she's thrown us a curve. We've learned to work with that.

And I don't think that we can economically look at guessing what's going to happen or taking how many years to support the economy around the bay that has been developed by that.

If you're going to flood places out even once, you know, it's going to be gone and it's going to cost more, I think, than looking at possibly trying to support and change the wetland. Can we put dams in there and make false wetlands come back and control their water flows instead of the whole lake and actually reproduce them? That was just one of the ideas that we talked about.

I am an environmentalist and I really have worked diligently over the years with committees for water pollution issues and environmental protection, and I really think everyone here in this room is an environmentalist to some point.

I work at teaching children how to work in harmony with nature and how to respect it for the future. They may not even be able to be here because things will change and there won't be the finances for them to be able to live in the area.

What guarantees the water level changes will bring the industry back to the Alex Bay area? Industries are leaving for a lot of reasons. You know, is it really just the water level there? Mother Nature has never waited for committees to make decisions, either.

And I hope that we don't get into the issue where they have in some parts of the country, where we try to overregulate and control, like they did in the Mississippi River and changing its course in New Orleans. It only took one weak spot. That wasn't a hurricane, it was a weak spot with water.

I guess I also don't understand how we can say that we are back to, with the new plan, going back to the natural pattern of water flow. We already have the dams in the Saint Lawrence. We're not giving this back to Mother Nature.

Is it another compromise that we have to change the whole rest of our infrastructure or can we accommodate what we have now and work with the environment and putting the funds there rather than supporting seawalls or having areas go into disaster areas and, you know, funds being put in in a negative way? So I thank you very much. (APPLAUSE)

IRENE BROOKS: Dereth Glance, followed by Jess Maggi.

DERETH GLANCE (Executive Program Director, Citizens Campaign for the Environment): Hello, commissioners. Thank you so much for the opportunity to provide my testimony today.

I want to thank you all for all of the great work that you and your staff have done on the Order, on the new plan, all the science that went into it, and the robust public involvement that you've done, with ten meetings, including going all the way to our state capital, and then providing all of these public hearings. We definitely appreciate that.

My name is Dereth Glance, I am the Executive Program Director for Citizens Campaign for the Environment. We represent over 80,000 members throughout New York and Connecticut.

Tonight I am here on behalf of the over 4,700 citizens that have signed petitions since the beginning of the public comment period, from Onondaga, Monroe, Cayuga and Wayne County in support of B+.

We completely recognize the environmental benefits of B+ and the issues that face the south shore owners. We are asking that the IJC, which, in your literature, talks about the benefits of B+ and then recommends Plan 2007, but then in the Order provides flexibility, that at some point in time in the future, the Control Board has the option to be able to go with B+.

We would like to see a firm deadline, where after you finish the public comment period, listen, you know, hear from all of the public, work with our states and federal leaders to develop an adaptation plan that can help with the

shoreline issues in specific areas, because we know that different communities are going to need different things.

Change is hard. You know, you don't know what it's going to bring, but we have learned a lot. We really, really thank the IJC for taking this opportunity - we understand this is funded by federal Canadian and U.S. tax dollars, all of the studies - to really also bring in the purview of the environment into our understanding.

Wetlands are really good for people. They're good for wildlife, but they're really good for people. They help filter out pollutants, there's nature kidneys, they provide critical, critical functions in our ecosystems that human depends upon, and we want to be able to bring back that diversity of our wetlands.

You know, it's wonderful to be here. All of us are Great Lakes enthusiasts. The Great Lakes and the Saint Lawrence mean so much to all of us and define our regional backbone. And I really, really appreciate your time in listening to us.

This is a historic opportunity, it comes around once every, maybe 15 years for us to do something brave, to really go with the plan that's balanced, that will provide more clean energy, that will provide a more robust, resilient ecosystem, and then give ourselves the time to work with state and federal leaders to develop a plan to protect the shoreline.

And I really appreciate the opportunity to provide comment, and if you have any other questions...and I would like to give you guys copies of the...

(BREAK IN AUDIO – CHANGE IN AUDIO CDS)

HOWARD POTTER: ...breakwalls in Sodus Bay will begin to be breached. Fact – at 250 feet, Sodus Point's village will be flooded. All marinas will be flooded. Businesses will be in failure mode. Private property will be flooded. That's a fact, that's not something that is a supposition.

And frankly, so much of the work that was done by so many people and some of the conclusions that are based, particularly those that involve the environment, are supposition, They are not fact.

I've listen to a lot of the environmentalists – and I am an environmentalist, too – but I want to look at something. By your own figures in your study, 81 per cent of the 32 environmental performance indicators show no or detrimental, diminished improvement on any of the plans, particularly Plan B+. 80 per cent.

And by the way, what's left in the 20 per cent, the largest impacted is the muskrat. I would like to be treated with the same degree as the muskrat.

(APPLAUSE)

It is absolutely astounding to me that anybody would look at changing something and particularly giving so much credence to the environmentalists. And by the way, it's good to be green; I mean, that's the mantra today.

That's the mantra for all politicians. It's easy for them to pass legislation that is green because they can pat themselves on the back, puff out the chest, and say look what I did.

Well, I hope that you all have the courage in the face of such a stampede to be careful that we're not overrun by that stampede and to do things and make your decision based upon fact.

You know, it's interesting. I wrote this in red, and we've got beautiful red lights, and I can't see it. (LAUGHS) Isn't that terrific?

When the seaway was built, promises were made to the riparian owners that no harm to their properties would be caused by the seaway. Are you going to break that promise?

Are you going to put us in the proverbial catch-22, where New York State and the U.S. Army Corps of Engineers dictates the level at which we are to build our breakwalls for protection of our property? And now you're going to change the level of the lake to the point where those breakwalls become ineffective.

Because one other fact which I forgot to mention – and important to me, since I live on the lake – that at level 250 feet, and given any gale from the northeast or northwest, you will overtop my breakwall and make it totally ineffective and I will lose all that which I've done.

I am part of the environment, too. It is my habitat, just as it is the muskrat's habitat. Any plan that you adopt must have upper and lower limits and a method to rapidly allow deviations when those limits are likely to be breached.

That concludes my talk, but I asked, because I have a letter from a gentleman from Arnie's Marina who cannot be here. I'd like your indulgence, I'd like to read that letter to you.

My name is John Love (?). I have lived in work in the village of Sodus Point since 1950. My professional background has always been and still is the recreational boating business, both retail sales and operation of a 120 slip marina on Sodus Bay.

I wish to convey to you my observations and concerns of the effect of abnormal water levels, both high and low, as it pertains to recreational boating in and about Sodus Bay.

In 1955, less than 100 recreational rental slips existing on Sodus Bay. Those facilities that did exist were for the most part crude and very temporary infrastructure.

Lake levels that varied from 242 to 248 and above mandated constant repair and the reconstruction of marine facilities of that period. These same widely fluctuating levels also discouraged the growth of boating.

With the construction of the seaway and adoption of Plan 1958D, things began to change in the '60s. Construction of new marine facilities commenced in earnest by the mid-'60s, for two important reasons: one, the advent of mass-produced fibreglass boats and better propulsion systems created a new demand for marinas and boat dealers; two, at least, a predictable and stable lake level

encouraged the private sector to make long-term investments in marinas and boatyards on Sodus Bay.

This growth continued into the mid-'80s, until building was maxed out. As time progressed, existing facilities were updated and improved and this progress is ongoing.

For your information, there are currently 16 facilities that supply seasonal dockage on Sodus Bay. Of these, eight are 100 per cent marina facilities, the remainder are restaurants and bait and tackle shops.

This equates to over 1,200 rental slips at an average fee of \$1,300 per season, about \$1.5 million per seasonal docket. Add to that the winter storage and haul-out receipts of over 1 million and the retail boat accessories and fuel sales in excess of 10 million a year.

In addition, there are approximately 1,000 private boats docked on Sodus Bay. When you add it all up, recreational boating is a highly developed and mature industry on Sodus Bay and the south shore of Lake Ontario.

I will share with you what happened in 1964, when a prolonged drought closed state parks and forest lands and dropped Ontario to its lowest level in my lifetime, limiting access to most facilities to rowboats and canoes. Luckily, this condition was short-lived and came at the end of the traditional boating season.

In 1973, when our lake level went to 248.5, everything stopped. Most marinas suffered 100 per cent destruction of docks, breakwalls, launching ramps

and buildings due to the length of time of approximately four months of 248+ levels.

In addition, spring storms off Ontario compounded the damage. Floating debris fields, some over a mile in length, made it dangerous to operate any boat in the lakes and bays. In short, the cleanup and rebuilding process took three to five years in length, to say nothing of the loss of normal business revenues.

In 1993, high water levels in April, May, into mid-June also created havoc. The differences between '73 and '93 was a slightly lower level and an intense and daily leadership interaction between residents and the Army Corps of Engineers. This was also the first time I became a Criteria K and witnessed first-hand what it could accomplish.

From my perspective, anything over 247 and below 243 is cause for alarm on Sodus Bay. I always felt 58D was basically sound, with my criticism being the implementation process seemed to never get ahead of the problems and was consistently playing catch-up.

It has been said that 1958D is outmoded and has to be replaced. That may be, but at least we know what we have in 58D and how to live with it.

In closing, our company motto is "just add water and we will do the rest." Add or subtract too much and we'll not be able to do the rest. Respectfully submitted, John Love, President, Arnie's Marina. Thank you very much.
(APPLAUSE)

IRENE BROOKS: Thank you, Howard. Gerard Palmer, followed by Richard Pupparo.

GERARD PALMER: Good evening. I am here as an individual and landowner on Sodus Bay. I do not have a prepared written speech, so I'm just going to be very brief.

Perhaps the 1958 plan was not the best, but it is the best that has been in effect for 50 years, folks, a generation. The environment has adapted, shipping and power interests have adapted, and certainly the landowners who have built homes and businesses around the lake have adapted.

I implore you not to change these lake levels. We have to think here, what is in the best interests of the public? I do not believe Plan B+ is in the best interests of everyone, as I have heard earlier.

It certainly isn't in the best interests of the federal government of the United States because the federal government of the United States insures flood insurance for everybody. If the lake levels increase to 248, many, many hundreds of thousands of people around the lake will be applying for flood insurance from our federal government.

So I implore you to please keep the status quo. Thank you for listening to me. (APPLAUSE)

IRENE BROOKS: Thank you very much. Richard Pupparo, followed by Grandjean. Richard? Going once...he's not here? Doesn't want to speak? Put it aside. Dennis Grandjean, followed by Ann Hayslip. Dennis?

DENNIS GRANDJEAN: Good evening. My name is Dennis Grandjean. I am a resident of Sodus Bay and I represent myself. I have been on the bay since 1990, first in a small cottage and now in a permanent residence.

Before retirement, I drove almost an hour to work in Rochester. My co-workers asked me why I was willing to commute such a long distance. I told them that once you saw the beauty of Sodus Bay, you would understand my reasons. I truly consider our bay a jewel of nature to be preserved for future generations.

I have made significant improvements to my shoreline with my own money to eliminate soil runoff into the bay. Changes in my little corner of the world could be very noticeable. I value the environment.

I am also a property owner and I will protect my interest from anyone who wants to harm it. The proposals being considered will harm my property and cause me financial losses. I have built my docks, decks, breakwalls, all in accordance with the existing regulations.

I have seen Mother Nature throw us some curves in the mid-'90s, when my dock was under water, and again last summer when my boat was stuck in the bottom of the mud in the end of August. It was a short boating season for me.

But any governmental body to intentionally choose to allow the lake level to rise over one foot higher than this past spring, when I saw 247.1, it will submerge my new dock, flooding my boat rail system, and wash away countless

yards of gravel and hours and hours of my own labour. That is totally unconscionable.

For a governmental body to intentionally lower the lake level over one foot from this past August and force property owners to merely look at the water instead of being able to use and enjoy it is unbelievable.

The IJC has repeatedly stated that you will not establish regulations that will result in disproportionate losses for any particular group. You seem to have forgotten that criteria.

Plan B+ and Plan 2007 harm property owners who are also the taxpayers for counties, towns, and school districts. My losses are real. The money will come out of my pocket, not out of an endless supply of government coffers. My life will change for the worse because of a commission's decision to change regulations that are over 50 years old.

If the Commission feels compelled to change the regulations, then you must not ignore the financial losses that you will thrust upon property owners and provide an efficient and timely method for the respective governments to reimburse us fully.

In closing, I would like to give my name and address to people who offered to pick up the tab for our losses earlier. Maybe I could see them afterward. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Dennis. Ann Hayslip, followed by Stephen Habecker.

ANN HAYSLIP (Save Our Sodus Inc.): Good evening. My name is Ann Hayslip. I am a resident of Sodus Point, New York, and tonight I am representing Save Our Sodus Inc. or SOS.

SOS is a 500-member grassroots organization established in 1999. Our mission is to improve, protect, and preserve water quality in the Sodus Bay watershed.

Members of SOS include waterfront property owners, business owners, fishermen and women, boaters, and visitors to the bay. We share one thing in common: we all love Sodus Bay and Lake Ontario and devote our energy and dollars to protecting it for future generations to enjoy.

The members of SOS are dedicated to protecting and improving the environment. Among our many projects, we work each summer to hand-pull invasive weed species and to pick up hundreds of pounds of trash from our shoreline.

As a measure of our commitment to the local environment, our organization earned a federal EPA environmental quality award in 2006.

I mention the credentials of SOS in order to demonstrate that unlike some presenters to this panel, SOS members are both environmentalists and concerned property owners. We strive to improve the health of the bay, protect our shoreline, and assure public access to the water.

We believe it is possible to strike a balance between the needs of the natural and the human environments. In doing so, we acknowledge the crucial role our bay plays in the economic health of our region of New York State.

It is therefore the position of SOS that Plan 2007 comes closest to achieving the best outcomes for property owners, recreational users of the water and the environment of the south shore.

We support Plan 2007, but we believe some improvements can be made. We urge the commissioners to amend Plan 2007 to include criteria G, H, and K from the existing criteria.

We believe that better balance can be achieved if the lake levels continue to be regulated for the protection of the shoreline, if upper and lower water level limits are included, and if all possible relief of riparian owners is provided in the event of flooding.

To cite the Commission's own guidelines, "Criteria and regulation plans will not result in disproportionate loss to any particular interest or geographic area." We believe that amending Plan 2007 in the manner suggested greatly improves the ability to avoid disproportionate loss to the southern shore of the lake and its bays.

In conclusion, we have only to look at recent news reports of tragic tornadoes and floods along the Mississippi to know that Mother Nature herself can create disproportionate and disastrous loss. These natural events are often unavoidable.

But in the case of Lake Ontario, extreme events can be anticipated and managed. It is disturbing to think that the Commission might choose a path that tempts disaster.

On behalf of Save Our Sodus and everyone who lives near and loves Sodus Bay and Lake Ontario, I urge the commissioners to adopt Plan 2007 with some modifications, and in doing so to acknowledge the sensitive balancing act needed to protect all interests.

I thank you so much for your time and trust that your final decision will reject extremes, but will achieve the desired balance. Thank you so much.

(APPLAUSE)

IRENE BROOKS: Thank you, Ann. Sorry, I missed Commissioner Speck. We have a question for you.

SAM SPECK: First, thanks very much for your fine testimony in wanting balance and wanting fairness to all, and particularly for some of the things you're doing to achieve that, the removal of invasive species and the like.

Would you have any suggestions on how to bring that fairness in the protection of the loss of wetlands which is estimated to be upwards of half the wetlands being harmed in Lake Ontario?

And also, for those in locations like we had the hearing where some of you attended last night who feel they are being disproportionately harmed by the current system...I don't mean to put you on the spot, but on the other hand, any

help that you can give as people involved with the lake, in their claim of disproportionately under the current system as it is, would be appreciated.

ANN HAYSLIP: And I think that's, speaking on behalf of our organization, that's exactly our point, is the disproportionate. I would say that I can't speak for their position.

I would just say that as our organization looks at what has been done so far, we believe that you folks have sought the balance that we're looking for when you put Plan 2007 on the table, and that's why we essentially support it, with some modifications, as I indicated.

We believe that you have studied it and considered it and that it comes closest to the kind of balance that should avoid disproportionate harm to either the interests we have or the interests of other folks as well.

SAM SPECK: And does that mean also moving toward a B+ at such time as provisions are made to deal with potential property loss?

ANN HAYSLIP: The position of our organization is that Plan 2007 with certain modifications and limits is the plan that we support for the future.

SAM SPECK: Thank you.

IRENE BROOKS: Thank you, Ann. (APPLAUSE) Stephen Habecker, followed by Mark Vande.

STEPHEN HABECKER (Krenzer Marine): There have been a lot of eloquent speakers, and I'm not one of them. We'll give it a try.

First of all, I commend you all on the Commission for your thankless fine work and long hours and all. I'm Steve Habecker from Krenzer Marine. I've been in kind of a quandary as to which program I would prefer until recently, when I found out a few more things about the highs and the lows.

My family has invested in a marina in the last few years, has spent all our life savings on this marina in Sodus Point. We are a big part of the economy of Sodus Point and Wayne County.

I should want water as high as it can be, then I'd have boats floating in all the time. I should want this, but my neighbours are more important to me than the high water that may happen.

It would be devastating to the residents on the Point, anything above 147 would be potentially disastrous. Hundreds of homes would be flooded, as well as the businesses.

Last fall's level – I don't know how low it was – was terrible to the boating public at the Point. No water, no boating. We couldn't even use our public gas dock or our pump-out, which the state helped us build. People couldn't get into it. That was during the middle of August 'til the rest of the boating season.

High water, low water, just give us levels we can all live with without endangering either the homeowners on the Point or the businesses on the Point. And I say on the Point because that's where I am.

I guess 2007 seems like the best of the two that people are talking about, with modifications. Please don't destroy the Point, the best, biggest, and most beautiful bay on the south shore. I guess I am here to vote for or speak for the people, the people, homo sapiens, who live and make a living on the south shore.
(APPLAUSE)

IRENE BROOKS: Mark Vande. The following speaker, I believe the last name is Power...Ferguson?

UNIDENTIFIED: (inaudible)...

IRENE BROOKS: I'm sorry, if you'd like to speak, you're up next.

UNIDENTIFIED: (inaudible)...

IRENE BROOKS: Okay, thank you. Mark?

MARK VANDE: My name is Mark Vande. I am a resident of Sodus Point, actually have been there some 22-23 years and now retired. I just want to make a couple of comments, first of all as a resident of Sodus Bay, just to get down to brass (?) tax.

I guess, from a previous speaker I am selfish and self-centered. I have a dock that the approximate value is about \$12,000. And it's not a big dock, but it's a permanent dock and it has been put on based upon the water level. And also, my property has a breakwall across the front of it.

If the water level is allowed to beyond the present level of 247, up higher, then the dock is going to be below water. The dock at the high level this year was just about one inch or two inches above the level of the water.

And I'm not complaining about that, but I can see that if we allowed the water level to go up another foot, that dock would be under water. And if you can imagine the wave action from the lake that's hitting a dock, it just pulls it right up and rips off the top of the dock. At the same time, any wave action from the north would cause the breakwall to not be effective and I would have to sandbag.

Now I'm retired, what I am going to do? Am I going to be the breakwall higher? Am I going to build a new dock? I don't think I'm able to do that. And I just want you to recognize that there a lot of retired people on Sodus Bay and along the east shore...or rather, the south shore of Sodus Bay that are in the same situation. They're retired, they have no extra money that they can instantly put in a new dock or new breakwall or both, which is what is going to happen to us.

Secondly, I am a retired architect, still doing some houses in our area, still designing some houses. The lake level is very important because we have to design with a floor level that matches what the flood level is going to be according to the building code in New York State.

That level has changed by a foot just recently, about two and a half years ago. Now we're considering that it's going to have to change again, and my concern is I hope that I'm not liable for the clients that I have worked with in the past because I've recommended to them what the water level is going to be. I don't want to go in front of them and have them say to me, well, you just told me

this two years ago and the lake level is flooding me. That's a very important concern.

One other point, there's a lot of people that are talking about environmental concerns and taking care of the ducks. I can also see that flooding our property is going to hurt the earth forms and it's going to hurt all the plants that I put in, the red maples, the geraniums.

Everything that we planted is going to be disrupted if we allow the lake level to ruin the landscaping that I have put in and that was all based on the earlier 1958 plans that were made.

So I urge you not to allow uncontrolled flow or depth of the water to change significantly higher and significantly lower and be within a restricted area that is approximately the level that we still have in Lake Ontario. Thank you.

(APPLAUSE)

IRENE BROOKS: Thank you. A question? Next would be Reid Oliver, I believe it is, followed by Robert Natoli.

REID OLIVER: I'll be brief. My name is Reid Oliver and I am speaking as a property owner, one that...my folks bought the place on the lake in the '50s, and so we've been there for over 50 years. My neighbour is Sally Sessler.

And the bottom line is we can't survive with water levels that are 247 feet like they are this year, we're done. And you know, we can talk about the environ...I consider myself, besides a property owner, I'm an environmentalist, an avid outdoorsman, and you know, I mean, if anybody on the Commission has

seen the eastern shore of Lake Ontario and the devastation that has been done with the high water...I invite anybody to come, I'd take you for a boat ride from Ramona Beach up to Westcott Beach and show you the destruction that has been done, especially this spring itself.

I don't understand...you know, for years, you people told us that you couldn't regulate the water levels, and you know, we were subject to, you know, whatever nature brought us, and now you're saying you can regulate them and regulate them quite closely.

You know, with everybody's interests, why can't you take the levels down in the fall to an acceptable level? I mean, nobody uses the lake in November, the ducks are all gone, you know, the fish aren't breeding or anything like that.

You understand the water level is going to come up in the spring. I mean, you don't have to be a rocket scientist to understand this; when the snow melts, the water comes in and fills it up.

You know, the storms, they come in March, February, March and the first part of April. And if we're lucky and it's been a cold winter, you know, the ice protects our shoreline tremendously, and we always hoped for ice staying until mid-April if we're lucky.

But you know, we talk about 248 feet...we're done, our place is wiped out and everybody's is along the whole shoreline, as far as I can see. Because this year is bad, and you know, why can't you...if you can regulate this thing so closely, why can't we just reach some kind of compromise, you know, where it

can achieve all...it's just 247 and 248 is just too high. We just have to reach some kind of compromise.

Right now, I think the last I looked in the Syracuse paper, the water level is at like 246.56 this morning, something like that, and you know, we can live with that. And I've never seen the duck population any higher in my lifetime than it is right now. (APPLAUSE) And I am a duck hunter. And fishing is phenomenal. It isn't all that bad. I guess that's all I have to say. (APPLAUSE)

IRENE BROOKS: Okay. Do you have a question, Herb?

HERB GRAY: With your permission, Madam Chair, I'd like our senior advisor, Mr. McAuley, to make a comment on the extent to which the Commission can regulate the highs and lows of Lake Ontario by putting water through the dam. Can we be as precise and as specific as this gentleman is asking us to do?

TOM MCAULEY (Engineering Advisor, Canadian Section, International Joint Commission): Okay. I was criticized last night because I was a little too technical and specific. And if some people think that the Commission can quickly and closely regulate the lake to certain levels, you have to look at the history, at how the natural supplies come into the lake, and the whole system – there's 4,300 kilometres of shoreline, 1,000 approximately of which is around Lake Ontario, that are affected by regulation.

And when you change the flow at the dam, let's say you bump that flow by 10 per cent, it makes quite a noticeable change in the water levels down the river

because the river is narrow and channelized. After one week, if you bump that flow up, you will have lowered the lake by 2 centimetres, which is about $\frac{3}{4}$ of an inch. So an even more significant increase in flow or a decrease in flow...you increase it by 10 per cent, you lower it by $\frac{3}{4}$ of an inch in about a week.

So it takes time and you can't play around with lake levels like a yo-yo. You're usually working with them.

REID OLIVER: I understand that. But I guess I am little frustrated by the fact that for years, you people told us you couldn't do anything, and now you can do quite a bit, apparently, and that's substantial, I think, what you're saying. Why can't you anticipate the water levels coming up in the spring?

TOM MCAULEY: They do that, and the problem...

REID OLIVER: Well, why can't you do a better job of it?

TOM MCAULEY: Because...

REID OLIVER: Because the water level was 240...it was 243.2, with the lowest level about mid-November. And then if you watched it, without any significant rain or anything like that, no snow melt-off, steadily over the winter, you guys increased the level of the lake, to the point where in January, I knew it was going to be trouble. And I knew it.

TOM MCAULEY: Yes, this...

REID OLIVER: Probably long before you knew it. Maybe you did know it. Maybe you don't care.

TOM MCAULEY: No, it's not that. We have a Board of Control which follows the supplies and the snow melt and everything very, very closely, the International Saint Lawrence River Board of Control.

And there are ten members, five from the U.S. and five from Canada, and believe me, they have the best, most knowledgeable people in the hydrology of the system, and they know how the lake and the seasonal cycles work and they work with it. They're not (inaudible)...it.

REID OLIVER: Well, they don't...I think if they put themselves into property owners' shoes, they'd have a little different perspective of the situation.

(APPLAUSE)

IRENE BROOKS: Thank you, Reid. Next we have Robert Natoli, followed by Quick James, it says...that's what I thought.

ROBERT NATOLI: I'd like to thank the panel this evening. I am Robert Natoli and I have a camp on Butterfly Shores, near Mexico Point. I was fortunate enough to be around in the early '70s when my neighbour built a new A-frame and the water was considerably higher, and I saw when the water was coming in the front door and exiting the south side of the building. Isn't that a good scenario with high water?

I advocate keeping the water table as it stands, the lake levels. We've lived with it for the last 50 years. Technology has got to come into play if you want better electricity, etc., etc.

I think you realize, with increased water levels, increased shipping, and increased problems like the gobe, the zebra mussel, and what else is to follow. This is not a salt water lake. It's a fresh water lake, and I'd like to see it kept that way.

And I would like to see the water levels at the levels that they are. I've seen my neighbour's shoreline, my shoreline disappear year after year after year, and I can contend with that, but I don't want to see it any higher. And I'd like to thank the panel. Thank you. (APPLAUSE)

IRENE BROOKS: Thank you, Robert. James Quick, followed by Michael Goldych. I don't know if I'm pronouncing that correctly. Okay, thank you. Did you give them to the secretary?

JAMES QUICK: Yes, I did.

IRENE BROOKS: Okay.

JAMES QUICK: We're James and Arlene Quick, (inaudible) road, Wolcott, New York. Thank you for being here. We are riparians. My friends say do you spend all that time and money going to all those IJC study group meetings and now the IJC Commission public hearings...my answer is this is the first time we have been invited over the past years.

We're riparians here in Wayne County with real economic losses and concerns. I have owned 130 feet of shoreline since 1957. I bought the property with a very nice cottage on the frontage (?). In 1970, we sold some acreage to the

New York State DEC in Albany. My property bordered the Black Creek basin and wetlands.

In 1992, we developed and built a pole barn (?), and in 1994 a log home up the road. We have a neighbour with a home since 1935. Cottages were built in 1935, 1936, 1937, 1947, 1948, 1957, 1964, and 1965.

Arlene and I own 150 feet of Lake Ontario. We have lost most of this in very recent years. Our cottage is at the edge of the embankment. In the 1980s, our home was in Louise Slaughter's congressional district, the Corps of Engineers wrote to her that there was a real problem with coastal erosion in our area and they would have to get some funds for mitigation. Those colonels at the Corps of Engineers rotate out of Chicago every three years.

The DEC map dated in 1985 shows we lost 18 inches per year average in the prior 100 years. We have lost 36 inches per year average in the past 50 years, and most of that's in recent years.

Years 2000 and 2001 were severe disastrous. That is permanent damage that will never come back. We live on the lake. We observe what the water level is and where it is and the shoreline, depending on the wind direction and velocity. Our winds are predominantly from the west-northwest.

Lake Ontario has frozen over only four times. February 1979 was the last. In the year 2000, we watched the high lake levels wash to the shore, up the embankment. It clammed up the beach.

We watched there of sod fall in ten days when we were mowing. We watched the lake flow to the east, like a river along the shore, carrying with it lake bottom, trees, shoreline earth and flooded crap from the basin marshes. John King came and took pictures.

We have no tapered embankment. We have no tapered beach. The water gets deep very fast. Mother Nature has been our only defence, when we wish for a cold winter for shoreline ice to protect us from the crashing waves.

The lake is high to protect Montreal from the ice flows. The lake gets higher as we hold back the water from flooding Montreal and as the Ottawa River ferociously dumps into the Saint Lawrence at Montreal.

Now, as we need to try Plan 2007 with keen observations and adjustments, the environmentalists, who do not have a single dollar invested to lose, want to flood our shoreline more.

The New York State DEC is not used to you or us asking questions. They issue permits by their rules. In 1992, at Wolcott, they told us what we could and could not do. Permits were time-consuming and expensive. They told us they have a sample at Forman's Park (inaudible)...New York. At \$800 to \$1,000 per foot, we could hire to have protection in place. No guarantees, no assistance, and I'm told those projects still up and down the waterways.

In a teleconference at RIT (?), we were told by a Canadian that we were foolish not to have flood insurance. Flood insurance is not available in our area. We ask each year at insurance renewal time.

We thank you, the IJC board, for coming and offering information sessions and public hearings. We, as property owners threatened by the lake levels, need all the help you can give us.

We have gone to many study group meetings, we have listened to concerns and spoke about our concerns. We have written follow-up letters of what we had heard, who we thought needed education of facts.

We learned at those meeting that many have real concerns. Some are inconveniences, other were monetary. Our concerns are expensive and permanent. We have emphasized there needs to be reasonable compromise.

We witnessed in the town of Greece many legislators spoke with facts, figures, and real concerns in favour of trying Plan 2007 with deviations. From Wayne County, the Supervisor of the Town of Ontario spoke of possible devastation unless we tried Plan 2000 with deviation.

During the study, when we were in Ogdensburg, the water levels versus hydro power were discussed. A person from hydro power stated they appreciated the average water levels, maintain 245.3. There is a loss at lower levels and no particular gains with higher levels as of that year's information.

Shipping needs water to pass through the upper Saint Lawrence. The captain knows his draft, his tonnage, and your level in the channel. There are seasons when they must use smaller vessels or light, less profitable loads. What were the sizes in 1960?

They need water supplies at Montreal. One inch at Lake Ontario can mean 11 inches of water on the Saint Lawrence, lower Saint Lawrence. On the other hand, they cannot tolerate rapids. They need to know when there is to be an emergency outflow. Just as Lake Ontario is higher on the south shore when the wind is blowing, the upper Saint Lawrence rapidly drops when water is rapidly emptied in the fall to accommodate shipping at Montreal. It would be nice if interior Canada could do some controlling of the Ottawa River before it gets to the Saint Lawrence.

What were the sizes of recreational boats in 1960 versus today?

We as residents of Lake Ontario wish to try Plan 2007 with deviation. We need all the help we can get. Our losses of property values are at stake. I got a red light. (LAUGHS) You have the rest. (APPLAUSE)

IRENE BROOKS: Thank you very much. Next is Michael Goldych, followed by John Oleark.

MICHAEL GOLDYCH: Madam and gentlemen commissioners, good evening. Yours is certainly a thankless job. You must have heard your ears ringing last summer and fall when people were excoriating you because you let the lake levels fall so low.

Few are considering the fact that Lake Superior was nearly two feet below normal last fall, and only a few speakers have noted your wonderful actions to prevent damage in Montreal this spring, which resulted in a high water level.

But you notice there's hardly anyone here tonight from the eastern shore, the Sandy Pond area. I live in Oswego. I have been carpetbagger and lived here now for 38 years or something. I'm a retired physics teacher, retired system engineer at Nine Mile Point. I own a cottage on Sandy Pond and my family owns approximately 25 acres of wetlands adjacent to the Oneida River in southern Oswego County.

I wish all these wetlands people would come speak to the assessors every year about that property when they say, oh, you can develop that, it's riverfront property.

Incidentally, we had a severe storm two and a half weeks ago. Many think it was a small tornado. I lost 18 trees, some 10 hickories that were 85 years old or more. And the rumour circulating the next day was that my assessments are increasing because my view of the lake has improved. (LAUGHS)

But I'm entering comment on your proposed control plan, indeed on any control plan. The benefits of navigation and hydroelectric power generation to mankind are enormous, and the International Saint Lawrence River Board of Control has done a wonderful job, but there are interests of individuals and of small businesses in consideration of these benefits that have not been adequately addressed.

I urge the Commission and the Board of Control to become vigorous advocates for the establishment of some entity, whether it be an office, agency, God heavens even a committee, to help individuals help themselves.

A significant hurdle for individuals to help themselves, of course, is the permitting process. And I've seen some permits where the Corps and the DEC have done wonderful jobs because the preparation was, my goodness, would not have passed a ninth grade science course.

But anyway, few people understand the processes and the coastal criteria of the U.S. EPA, the Army Corps of Engineers, the New York State DEC, New York State Department of State. Very few people understand that and this is the area that people need help helping themselves.

You should vigorously promote the creation of some entity that would, to the extent possible, develop boilerplate permit applications for rip rap and for slightly offshore material placement.

You have heard some people speak about the ice barrier and how beneficial that is. Well, putting rip rap several yards offshore, beyond the low water mark, could certainly enhance protection of the shoreline through the creation of a little ice barrier. That's one area, and of course, dredging is another area where people really need help with the permit process.

So all in all, I think with the permit hurdle diminished for people, I think they would begin to develop their own mitigation projects and they would begin to vigorously seek assistance from their elected representatives.

We have heard recently about the Great Lakes Restoration Act that is winding its way through Congress, which may include some \$25 billion towards Great Lakes restoration, and that might be a vehicle to provide such an agency.

In passing, I'd like to mention that whenever someone lists the invasive species that are here in the lake, I wish they would also note the Pacific salmon that are not native, and I wish they would thank God for the zebra mussels because we've never had water so clean. Thank you.

IRENE BROOKS: Just a comment. Our way from Sacketts Harbor, we did stop at Sandy Pond and spoke with the marine operator or owner, one of the owners, and we did see the damage that was there.

MICHAEL GOLDYCH: (inaudible)...

IRENE BROOKS: Yeah. So we spent some time there this afternoon.

MICHAEL GOLDYCH: Yes.

IRENE BROOKS: We missed you. (LAUGHS) You must have been at work. Thank you. John Oleeark, followed by Jim Jared. They will fix it over there. I don't think it's anything you did.

JOHN OLEEARK (President, Milea Beach Association): There we go.

IRENE BROOKS: There you go.

JOHN OLEEARK: That's better. I'm John Oleeark. I am President of the Milea Beach Association. We have a little community out east here, it's probably two miles east from here.

I am here to ask you to please, if at all possible, to support the plan for 2007 and also look for the 1958 plan.

About six weeks ago, I'm not sure if a lot of you realize this, we had quite a storm out here in Oswego. The wind blew about 40 miles an hour. The lake at

that time was about 247.1 feet high. There are 52 residents. Every single one of us had damage. Every single resident had shoreline damage or erosion. This morning, the lake was 246.5 feet, and that was at Nine Mile Point this morning.

Also, we have a marsh. I'm an environmentalist, I love the outside. I teach my grandkids how to enjoy our environment. We love our lake. We have a beautiful marsh, beautiful marsh, but you know what, it's all plugged up because the lake has been so high that we're completely...blocked the outlet.

So I'm asking you, on behalf of our residents, to please, please again, please consider 2007 and incorporate some of our 1958 ideas also. Thank you very much. (APPLAUSE)

IRENE BROOKS: Thanks. Any questions? Jim Jared, followed by Cheryl Gressani. Jim Jared? Going once...Cheryl?

CHERYL GRESSANI: Thank you. My name is Cheryl Gressani and I speak as an individual who resides during the summer on Ontario Point in the town of Ellisburg, in Jefferson County.

I speak as one of the species who will no longer be living on the lakeshore 25 years from now if Plan B+ is implemented and if the lake level range is allowed to rise two feet higher than is currently permitted.

I would like to show, not tell, the board what disastrous consequences a higher water level means to riparians. These pictures show the erosion that occurred October 2006, when the lake was 245.5, a full foot lower than it is today and a full two feet lower than it was just about a month ago.

In just a few hours, 25 feet of beach eroded, taking with it valuable dune habitat and the last vestiges of protection to my property, which is immediately adjacent to the beach.

You can clearly see tree stumps where dune vegetation used to be. During that storm, waves sheared an eight-foot dune, much like a snowplow does on a wintery highway.

Imagine what raising the lake level another four feet would do, which is a Plan B+ scenario, especially on the eastern shore, where there is a shallow and fragile shoreline.

To put this into a local perspective, an additional four feet of lake level means waves will crash over the cars parked at Rudy's Fish Fry, chasing away business.

It will mean one quarter of my neighbours' homes will be flooded. It will mean irreparable damage to one of the largest sand dune structures in the United States.

I speak as a concerned landowner as well as a taxpayer whose property, once washed away, will no longer provide tax roll income to the Town of Ellisburg. It means I will not be buying groceries at Sandy Creek or shopping at the Salmon River Mall in Watertown. No more sundries at Alexandria's Corners in Henderson. These are the routines along Route 3 my family has undertaken every single weekend for six months out of the year since 1930.

I also would like to express my concerns about the performance factors that were selected to measure economic impact of the various lake level plans. As explained in great detail in the study group's minority report, this completely disregarded the loss of the land values and did not place any metrics on human quality of life issues such as quiet enjoyment of the beach, a unique geographic feature created 12,000 years ago.

In addition, my concerns relate to the modelling used by the study group. This was found to be scientifically flawed, as determined by the National Science Foundation.

I would like to ask, under the proposed Order of Approval, how responsive will those governing the locks be under extremely high water supplies, which has been the trend for the past several decades? Currently, under Plan 1958DD, the Board at least has the means to quickly meet and implement deviations.

At one point does the cattail, which would be the beneficiary of Plan B+, or a transient motorboat owner, who launches his vehicle for a day trip a day or two a summer, take precedence over riparians such as myself and my family now enjoying a fourth generation of living on the lake?

I would like to conclude my remarks by saying that raising the level of the lake another two feet is not a fair or balanced solution and causes disproportionate harm to coastal interests, which was not the intent of the study when undertaken more than five years ago.

I urge the board to continue supporting the existing Order of Approval, Plan 1958D, and retain deviations that come closest to helping protect people and homes.

If the lake level is permitted to continually rise, it will be the landowners, and not the cattails, who disappear from the shore of this great Lake Ontario. Thank you, merci beaucoup, for the opportunity to speak tonight. (APPLAUSE)

IRENE BROOKS: Thank you, Cheryl. John Thomas, followed by John Hinsman.

JOHN THOMAS: I'm an eastern shore property owner from a similar area as Cheryl, and within that area, as another individual mentioned earlier, there is a 17-mile strip or barrier which is sand dunes, recognized wildlife habitat by a nature conservancy. We'd like to see that continue in the future. I'd like to be able to have the next generation be able to enjoy that as much as I have.

I'm also an environmentalist, a conservationist, as well as a riparian. I feel if you implement Plan B+, please give me a cheque now for my property. It will no longer be there. Neither will the barrier beaches, those wetlands. Ducks Unlimited will be putting (inaudible) other areas. I feel the habitat would no longer be there for duck hunting as well as other tributaries that are in there for some of the pike and other fish that spawn in those areas.

But I'd like to talk to you a little bit about preserving the future of our property. That is a main concern of mine. Even in the current Plan 2007, I am

concerned about the high lake levels that we will endure. I feel even at those levels, some of the erosion will be accelerated.

I too have noticed that in the past decade, there has been a considerable amount of erosion. The property that my family has owned was built in 1925, however not by us. We purchased that in the early 1960s and I have enjoyed that and we'd like to continue to have future generations enjoy that.

I could be swayed to Plan 2007 with some modifications. From what I understand, a lot of interests must be accommodated, a lot of them are antagonistic. You have a tough job ahead of you.

I once asked the question at a prior meeting here, in Oswego a month earlier, why could we not use Plan 2007 except cap the amplitude on the high level at a lower level, let's say perhaps 246?

The answer I got is that this could not be done. I'd still like to pose that question. It seems like the variability is a key factor in sustaining some of our environment. Why could not we have that as well as save the interests of some property owners?

Man, like the beaver, changes his environment to suit himself. To ignore the communities that have built up since plan...
