



Office of the County Executive

Monroe County, New York

Maggie Brooks
County Executive

James P. Smith
Deputy County Executive

June 11, 2008

Ms. Irene B. Brooks, United States Chair
Mr. Herb Gray, Canadian Chair
International Joint Commission
1250 23rd Street, NW, Suite 100
Washington, D.C. 20440

Re: Plan 2007- Lake Level Control for Lake Ontario/St. Lawrence River

Dear Chairwoman Brooks and Chairman Gray:

Thank you for the opportunity to comment on the International Joint Commission's (IJC) proposed Order of Approval and Plan 2007. I commend the IJC's efforts to balance the various issues and propose a compromise Order and Plan that considers riparian property owners and municipal infrastructure as well as recreational boaters and the environment. Clearly, Plan 2007 represents an improvement to the current Plan 1958D as well as the other proposed Plan B+.

Protection of riparian property and infrastructure is a critical issue in Monroe County. Therefore, I strongly support the IJC's position that any new Order or Plan will not result in increased damages to riparian property. Although I generally support the adoption of the proposed Order of Approval and Plan 2007, I would like to offer a few suggestions and enhancements.

As you know, Monroe County owns and operates significant water, sewer, road, bridge and park infrastructure along the shoreline. The County also has approximately 37 miles of Lake Ontario and embayment shoreline, which is susceptible to increased erosion resulting from high water levels. The Monroe County Water Authority provides drinking water to over 600,000 residents in the region through its Edgemere Pump Station located in the Town of Greece, which has required sandbag protection from past high lake levels.

I do not believe the IJC has accurately estimated the economic damages to riparian property owners and local governments that would result from erosion and the direct loss of land area. The land value of property along Monroe County's 37-mile shoreline is assessed at over \$230 million. Any loss of land area would directly impact the value of property resulting in economic damages to the property owner as well as municipal and county governments. Potential damage to municipal infrastructure must also be accurately assessed. Government agencies have invested millions of dollars in sewer, water and roads which have been, and will continue to be, damaged by high water conditions on the Lake. These damages should be accurately and consistently calculated to provide a realistic assessment of the balance of impacts and need for mitigation.

The IJC has indicated that deviations on Lake Ontario will be significantly curtailed or eliminated using predictive computer modeling. As a result, the IJC has recommended a change in the role and procedural guidance of its existing International St. Lawrence River Board of Control (Board). I am very concerned that minimizing the new Board's level of control by requiring consultation with the IJC before any relief/deviation could be implemented may prove disastrous. I understand the proposed approval process for relief/deviations could take months to accomplish, which would very likely result in serious damage during severe high or low water level condition. Therefore, I believe the IJC should maintain the Board's current level of control over deviations.

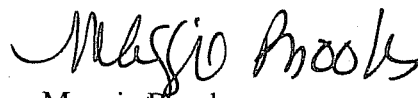
In keeping with the IJC's commitment not to increase damages to shoreline property owners, I recommend the IJC retain the following criteria from the existing Order of Approval:

- Criterion (g): requires that the lake level be regulated for the benefit of property owners on the shore of Lake Ontario so as to reduce the extremes of stage which have been experienced.
- Criterion (h): establishes the upper limit of the four-foot operating range at 247.3 ft (75.37m)
- Criterion (k): requires all possible relief of riparian owner in the event of excess supply.

The IJC has been clear in its desire to move from Plan 2007 to Plan B+ with mitigation so as to improve the level of environmental protection. While I maintain that Plan 2007 affords a balanced approach to providing benefit to all interests, I believe it is inappropriate to even suggest a relatively swift move towards Plan B+ without significantly more analysis to determine what level of mitigation would be necessary and ultimately, whether the costs and impacts of mitigation would outweigh the improvements to the environment. Any analysis must identify a range of appropriate mitigation measures, the cost of the measures, and the potential cumulative adverse environmental impact of such measures. Plan B+ should not be advanced until this analysis is complete and all funding for a comprehensive, system-wide mitigation project is secured.

With these enhancements identified herein, I believe the proposed Order of Approval and Plan 2007 will provide a well-balanced approach to protecting all interests along the Lake Ontario shoreline and the St. Lawrence River.

Sincerely,



Maggie Brooks
Monroe County Executive

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Sam Speck, Commissioner, IJC United States Section
Jack P. Blaney, Commissioner, IJC Canadian Section
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