

IJC Hearing Submission
June 24, 2008

The IJC has clearly stated that it wants to adopt Plan B+ as the best overall solution to the competing needs of the various affected parties.

Due to the apparent threat of litigation from one small segment, the owners of houses built on the south shore flood plains, the IJC is now planning to defer implementation of the correct solution until mitigation measures have been put in place to protect those houses. The commission has acquiesced to this delaying tactic, formalizing it as a plan (Plan 2007). It is no such thing. It is an abdication of the essential responsibilities accepted by the commission and should be labelled "A Failure to Do the Right Thing".

"Plan 2007" has several fatal flaws:

- It puts the interests of a few above the greater public good as defined and measured by the plan evaluation process.
- It is radically unbalanced, inflicting enormous costs on a wide range of interests while delivering benefits to a small number of individuals who are profiting from waterfront development and local governments that are collecting greater property taxes.
- It encourages this small pressure group to take no action other than to continue to threaten litigation. There are no incentives to cooperate or penalties for failure to act. It is a recipe for paralysis.
- Protecting these flood plain builders will exacerbate the problem the commission is trying to solve by encouraging further flood plain development and the construction of additional structures in these precarious areas.
- It is a subversion of the democratic process by substituting the bullying tactics of legal threat for the proper process set up by legislation and international treaties. If a citizen does not agree with the actions of his or her government, redress is achieved through petition to elected representatives or through the ballot box.

It is our strong opinion that home owners who have deliberately put their residences in peril by building in these areas should find solutions within their own resources or require the assistance of their governments, whether municipal, state or federal. The only way for the IJC to prompt such action is to adopt Plan B+ today and instruct staff to begin implementation on a clearly defined timetable – ideally, in 2010. No other course of action leads to a solution.

Thank you.