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THE SENATE
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August 6, 2008

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

International Joint Commission

ACTION: CC
INFORMATION: IC, NO, SS, FO, ET, OT
FILE:

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MILITARY AFFAIRS

Statement regarding water levels on the St. Lawrence River and Lake Ontario

I write as a New York State Senator representing residents along the St. Lawrence River and the Eastern and Southern shore of Lake Ontario. I want to thank the International Joint Commission for holding public hearings and accepting comments on the IJC's proposed water level regulation plan referred to as "Plan 2007."

I believe it is important that you hear the concerns of all who will be directly impacted by your decision. I'm glad that so many people and groups chose to speak out in the forums held by the IJC. I am pleased to join the residents of this region, my elected colleagues at the village, town, county, state and federal levels, the business leaders, the environmental groups, and the scientists who have all spoken out on this issue.

I support Plan B+ as the best of all options discussed. It is the most environmentally sound and best economic choice before us today. No other plan comes closer to mimicking the natural state of the St. Lawrence River and Lake Ontario. No other plan would do more to restore wetlands. No other plan does more to maximize hydropower generation for both the New York Power Authority and Hydro Quebec. No other plan does more to aid commercial shipping and recreational boating with consistent water levels throughout the summer.

In 1997, the IJC proposed Plan 1998. It represented little or no change from the status quo and it was rejected for lack of scientific merit. The United States and Canada then spent \$20 million and five years conducting study that resulted in three options, the best of which was Plan B+. However, today we hear that Plan 2007 has emerged as the front runner and once again the plan put forth has little scientific merit and shows little or no departure from the status quo.

Under Plan 2007, water levels in November would drop even further below safe boating levels than the current 1958DD and in each month the water level would be lower than in Plan B+. That is unacceptable. Plan B+ is the option that best maintains water levels so that commercial

ships and recreational boats have the best opportunity to navigate the St. Lawrence and Lake Ontario, while also benefitting our environment by restoring wetlands.

It seems as though the plan that would benefit so many interests—the environment, shipping, boating, energy, and tourism—has been set aside because of concerns regarding property owners on the southwestern shoreline of Lake Ontario. However, it is important to note that at the request of the IJC, New York State, through its Department of Environmental Conservation, has already begun developing a management plan to deal with any adverse affects of Plan B+. Areas suffering from disproportionate negative impacts can and should be addressed by the mitigation plan under development.

No matter which question you ask: What plan is best for the environment? What plan is best for recreational boating and tourism? What plan best reduces shore erosion on the upper river? What plan benefits hydropower the most? Or what plan is best for commercial navigation? Which plan benefits the vast majority of stakeholders? The answer is B+.

I urge you to accept Plan B+ as the best option. Plan B+ provides the greatest benefit to the environment and the greatest number of people. Please, do not stall any longer: Implement B+.

Sincerely,

A handwritten signature in black ink that reads "Darrel J. Aubertine". The signature is written in a cursive style with a large, prominent initial "D".

Darrel J. Aubertine
State Senator