



August 28, 2013

Dr. Charles A. Lawson, Secretary  
International Joint Commission, U.S. Section  
2000 L Street, NW, Suite #615  
Washington, DC 20440

Re: International Joint Commission (IJC) Plan 2014

Dear Dr. Lawson:

This letter is to provide comments on the IJC's proposed Plan 2014 for water level management of the Lake Ontario-St. Lawrence System. My June 12, 2012 letter regarding Plan 2014's predecessor, Plan Bv7, is attached for your reference. City of Rochester staff reviewed the current proposal, the supporting data, and attended a technical hearing. As stated in my 2012 letter, we recognize the value of the environmental and hydroelectric power generation benefits of the Plan. We commend your effort to respond to public concerns about Bv7 by introducing policy for allowing deviations from regulation plan flows and the implementation of the adaptive management strategy. In addition, we appreciate the extensive outreach that has been accomplished in your effort to inform the public and collect comments during the evolution of Plan 2014. The public reaction, however, is still very polarized and it is clear that for this planning effort there may be no satisfactory compromise.

Upon reviewing the generalized data that was presented and without the benefit of the information we requested in our 2012 letter, we cannot sufficiently assess the economic impacts and environmental benefits that will occur on the Rochester lake shore and in the Rochester Harbor. However, according to the data for economic indicators included in Plan 2014, we know that there will be a disproportionate economic impact to the south shore property owners and marina operators of Lake Ontario. In addition, Plan 2014 lacks clearly articulated preventive and mitigation strategies for overcoming the potential damage and economic losses associated with greater lake level fluctuations. As a result of these considerations we must oppose Plan 2014.

As stated above, the City recognizes the many benefits of bringing water levels back in line with the unregulated levels of 60 years ago, but much of the shoreline was developed during the last 60 years under assumptions that will no longer be valid under the proposed Plan 2014.

Thank you again for the opportunity to comment on Plan 2014, and please let us know if you have any questions regarding our comments.

Sincerely,

Thomas S. Richards  
Mayor

xc: L. Redon, Deputy Mayor  
P. Holohan, Commissioner/DES  
M. Gregor, Manager/DES/DEQ





June 12, 2012

Ms. Lana Pollack, Chair  
International Joint Commission  
2000 L Street NW  
Washington, DC , 20440

Re: IJC Plan Bv7 Lake Ontario water level management

Dear Ms. Pollack:

This letter is to provide comments on the International Joint Commission's proposed plan Bv7 for water level management of the Lake Ontario-St Lawrence System. We recognize the value of the natural wetland meadow marsh community and the desirability of restoring aspects of the natural environments that have been degraded as a result of lake level management from dam operations in the St Lawrence. Improvement in the water quality at our public beaches, for example, is an important priority for the City of Rochester. We also acknowledge the essential importance of hydroelectric power generation in the St. Lawrence to this region.

With that said we have several concerns about the proposed Plan Bv7 which appears to disproportionately impact property owners and recreational boating interests on Lake Ontario and also does not clearly articulate plan benefits in a convincing manner. Based on the following concerns the City of Rochester cannot support Plan Bv7 at this time and requests additional analysis:

It appears that the analysis of the impacts of Plan Bv7 on public infrastructure, utilities, and municipal facilities was not comprehensive. As a result we are concerned that the potential costs to local government are underestimated. This is particularly important at a time when local government is least able to financially respond to damage due to high water levels in the lake and near shore tributaries.

It would be helpful to provide mapping of areas where wetland meadow marsh communities are projected to be enhanced under Plan Bv7. In addition it would be helpful for the IJC to provide a clearer indication of the benefits of Bv7 to lake water quality as it affects the public, including bathing and drinking water supply, in addition to the wildlife performance indicators that are already provided.

It would also be particularly helpful to see more information on the enhancement of beaches that is projected to result from increases in periods of low water. Information and mapping of locations where beach enhancement and restoration could be expected to occur would help the City assess the potential benefits of the Plan.

We were unable to find mapping of the extent of potential shoreline flooding to reflect the potential impacts that Plan Bv7 is projected to have on lake and tributary shorelines. Such mapping is needed for storm events with north and northeasterly wind directions when modest increases in Lake Ontario water level elevations can result in significant shoreline property and infrastructure damage. It also appears that no provisions are made for mitigation of the costs that are projected to result from the repair of damage to property and facilities associated with higher water levels and greater variation.

The proposed plan would negatively impact marina and recreational boating within the Rochester Harbor, but again without mapping of high water, low water, and surge effects it is difficult to determine likely local impacts. It would appear that there will be important indirect effects on flood insurance availability and premiums associated with updated mapping. It is also unclear what effects

Plan Bv7 would have in recreational and lower use commercial harbor areas where the US Army Corps of Engineers is no longer effectively dredging harbor entrances and navigation channels.

Although the IJC was statutorily required to look back to pre-dam lake levels it would be appropriate and good public policy to also consider the fact that those making shoreline public and private improvements and investments on the shoreline over the last 60 years have done so relying on a specific methodology of lake level management.

We urge the IJC to address the concerns expressed above prior to proceeding with Plan Bv7 and offer our assistance to the IJC in its efforts to develop a more balanced plan.

For purposes of future communications the City's point of contact is Mark Gregor, Manager Division of Environmental Quality, 30 Church Street, Room 300B, Rochester, NY 14614. He can be reached by telephone at 585-428-5978 and by email at [mgregor@cityofrochester.gov](mailto:mgregor@cityofrochester.gov).

Thank you for the opportunity to comment on Plan Bv7.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Richards', with a stylized flourish extending to the right.

Thomas S. Richards  
Mayor

Cc: F. Bevacqua, IJC, U.S. Section  
L. Redon, Deputy Mayor  
P. Holahan, Commissioner/DES  
M.Gregor, Manager/DES/DEQ