



OFFICE OF THE COUNTY EXECUTIVE
OFFICE OF THE MONROE COUNTY LEGISLATURE

Maggie Brooks
County Executive

Jeffrey R. Adair
President

Richard Yolevich
Legislator - District 1

Rick Antelli
Legislator - District 7

August 12, 2013

To the Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

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No. 130239
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Committee Assignment Memorializing Referral -L

Subject: Opposition to Plan 2014 by the International Joint Commission.

Honorable Legislators:

Lake Ontario is a crucial aspect to Monroe County, especially to those who live along the shoreline. For years, the Great Lake has been a staple for residents, property owners and business owners. Within Monroe County, there is approximately 37 miles of shoreline, which is lined with homes and businesses.

One year ago, the International Joint Commission (IJC) announced its intention to seek a water level regulation plan to address the impacts of the Moses-Saunders Power Dam hydroelectric project and resulting lake level regulation plan on wetlands adjacent to Lake Ontario and the St. Lawrence River. This proposal, named "Bv7," raised many concerns of the residents and government of Monroe County. This plan to raise the lake levels failed to acknowledge some of the negative effects on the areas surrounding Lake Ontario including but not limited to; severe damage to shoreline property and a lack of discussion about damages and resulting mitigation.

Without addressing any of these community concerns, IJC issued a new proposal, Plan 2014. Plan 2014 is a modification of Bv7 that fails to tackle the worries stated by Monroe County Executive Maggie Brooks and this Legislative Body one year ago. Plan 2014, just as Plan Bv7, has the potential to cause millions of dollars in damage to property and business owners, as well as recreational boaters.

The issues that Monroe County raised in 2012 have yet to be addressed by the International Joint Commission.

1. There will likely be significant damage to shoreline property on Lake Ontario as a result of allowing higher water levels over a prolonged period of time. There is a general feeling by riparian property owners that the cost of damages has been significantly underestimated. This position is supported by the IJC's admission that it did not assess the potential damages to all public land or infrastructure on the shoreline. This is of particular concern to Monroe County, given that the County owns and operates significant water, sewage, road, bridge, and park infrastructure along the shoreline.

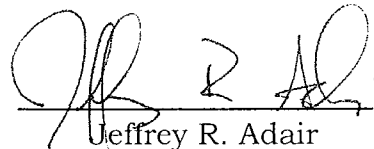
2. The scientific basis used by the IJC to determine the benefits to the environment that would result from the implementation of the proposed plan Bv7 has been discounted by scientists, some of whom were involved in the study undertaken in 2000-2008. Dr. Frank Sciremammano, Jr. and Dr. Daniel P. Barletta, two members of the advisory group involved in the IJC process between 2000 and 2008, released a Minority Report in 2006. This report disputed the assumptions and conclusions of the IJC's study and was signed by four additional members of the advisory group.
3. There is virtually no discussion about mitigation of the damages acknowledged by the IJC. It appears that the IJC expects shoreline property owners and recreational boaters to bear the costs associated with implementation of Bv7. There has also been no discussion of funding mechanisms to assist these stakeholders in covering the costs of damages which are in some cases, such as damage to shoreline, direct and documented costs. To the extent that proposed plan Bv7 is expected to result in increased damages to private and public properties, the IJC or IJC working group should provide Monroe County with an accounting of resulting needs and expected losses within the community, and identify the mechanism(s) that the IJC will implement to fund protective actions and damage reparations, and address other consequences, before any change is made to the operating plan.
4. The IJC proposes modifying the operations and authority of the International St. Lawrence River Board of Control by curtailing the Board's ability to respond to high and low water conditions on Lake Ontario. The IJC has indicated that computer modeling will be used to dictate the management strategies based on the criteria proposed in plan Bv7, thereby reducing the need for the Board's deviations from the regulation plan. Shoreline and near shore properties may be impacted by any change to the decision making process and current performance of the Board of Control of the IJC, a significant concern given that substantial investment in shoreline and near-shore real property has arguably been made based on the demonstrated lake level management capabilities of the Board of Control since the 1960s.

Therefore, we ask that you join us in memorializing the IJC to reject the adoption and implementation of Plan 2014, and urge the IJC to reconsider the proposal for the benefit of the community and take into careful consideration the points we have raised before it develops another subsequent new lake level regulation plan.

Respectfully Submitted,



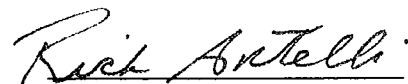
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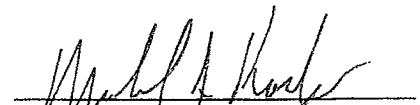
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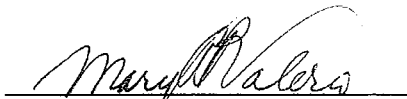


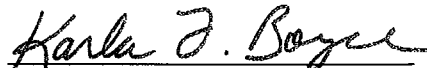
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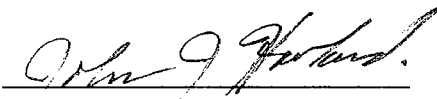

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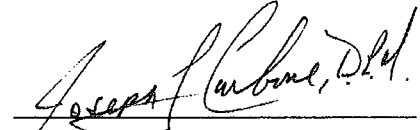

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