

SEP 11 2012

Dr. Daniel P. Barletta
1101 English Road
Suite B
Rochester, NY 14616

Dear Dr. Barletta:

As you know, the International Joint Commission (IJC) has created a Working Group to make recommendations on changes to the existing international water level regulations for Lake Ontario and the St. Lawrence River. Governor Cuomo has appointed us as New York's two representatives on the Working Group. We are writing today to report on what we have learned so far about this IJC initiative, to outline how we intend to proceed and to ask for your input.

Geographically, the Lake Ontario/St. Lawrence River (LOSLR) system is immense. More than 900 miles long, the waterway is a defining characteristic of the region. A traditional home for many Native American tribes and a major navigation route for ocean-going vessels and lakers, important industrial facilities, farms and a myriad of recreational opportunities abound in the Lake Ontario/St. Lawrence region. The LOSLR system boasts three hydroelectric facilities, about nine million United States and Canadian residents, and diverse commercial activities. The IJC regulates water levels along this lengthy and complex system in response to a 1952 request from the two federal governments.

Since 1999, IJC has contemplated changes in its water level and other regulations. After several attempts to devise a regulatory plan failed to meet with public approval, IJC decided to create the Working Group on which we serve to ensure that its efforts would most effectively meet the needs of the governments within the LOSLR system. IJC's stated goal is to devise a regulatory plan that more effectively mirrors natural conditions while respecting other substantive interests.

While respecting the historic efforts in this case, we have entered this process with an open mind and a desire to hear from all of the affected interests in New York. What we have learned, in simple terms, is that the LOSLR system is environmentally, economically and socially complex. Our efforts need to balance the important goals of preserving and restoring the ecosystems of this region, while respecting the needs of the people who live and work along the lake and the river. Just as importantly, our efforts need to reflect Governor Cuomo's policy to rebuild the upstate economy.

IJC is concerned about the impacts of climate change on the LOSLR system. We share that concern. While we have learned a great deal about the past and present operation of the water level regulations, our intent is to be forward-looking. Any revision to IJC's current regulations must take into account the diverse economic and environmental interests of this region with the flexibility needed to address the uncertainty which future changes in climate will cause.

New York State requires a more complete understanding of the complex needs of the LOSLR system to be able to determine how New York can best protect its interests and those of New Yorkers who live and recreate on the Lake and River. Accordingly, we have advised the IJC that New York will neither support or oppose the plan which the Working Group already has developed until we are satisfied that we have evaluated the information needed to make that decision.

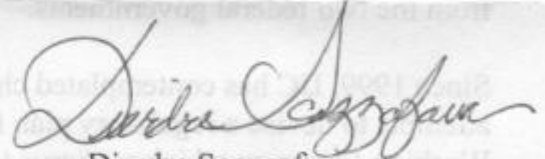
We appreciate the advice which many of you already have provided to us on the potential impacts of Plan Bv7, both positive and negative. Going forward, we intend to seek your advice on actions that New York State can and should take to address the needs of the Lake Ontario and St. Lawrence River system. Our focus will be on means to better protect our citizens from shore erosion and activities to restore habitats. We would, however, like to hear your ideas about other mitigation measures that you would like the IJC to consider.

Thank you for your guidance and advice to date. We look forward to continuing to work with you to guide the future of this vast, beautiful and challenging region of the state.

Sincerely,



Joseph J. Martens
Commissioner
Department of Environmental
Conservation



Dierdre Scozzafava
Deputy Secretary
Department of State