

LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

Issue 11 June 15, 2012

**Grassroots Public Advocacy for the Protection, Restoration and Conservation
of Lake Ontario Beaches and Riparian Property**

In this issue:

1. **Comment from IJC Wetland Scientist Made On IJC Web Dialogue**
 2. **Full Text of Open Letter to IJC**
 3. **Online Petition - updated**
 4. **New Page on LORA Web Site- resolution and letters against BV7**
-

Comment from IJC Wetland Scientist Made On IJC Web Dialogue

The following comment was made by the LOSLR's Wetland Scientist during this week's IJC Web dialogue:

"The highs take out invading upland plants, especially trees and shrubs. The highs are needed only periodically, and those that we have gotten under 1958DD are probably adequate, which is why BV7 is not calling for highs greater than 1958DD. The lows are needed to reduce soil moisture at upper elevations and thus give the competitive advantage back to the meadow marsh species, which can tolerate lower soil moisture than cattails. One year of high lake levels each decade or two is all that is needed. Ideally, lows should come a couple years at a time, followed by a couple more years of moderate lake levels. However, even one year of low lake levels helps."

Now to use an old cliché: "The devil is in the details." As stated above, the highs that we see with 58DD are sufficient for wetlands, however, according to IJC data, BV7 calls for higher levels that are more frequent and of longer duration. BV7 could be above 248.3 ft 800% more often than 58DD and 500% more often above 248 ft.

http://www.ijc.org/loslr/en/library/Tables/wl_lakeontario.pdf

http://www.ijc.org/loslr/en/library/sp_graphs/sg_BV7_Ontario.pdf

http://www.ijc.org/loslr/en/library/sp_graphs/sg_58DD_Ontario.pdf

During times of low water supply, mid-summer lake levels could be only 244 ft.

http://www.ijc.org/loslr/en/library/sp_graphs/sg_BV7_Ontario.pdf

The last detail is what water levels could be in the spring during the months of March through May, when we can experience violent lake storms while the water levels are still not critical. As you can see Plan BV7 is only slightly better than the previously proposed Plan B+, and is almost three times as bad as the current plan.

Plan	Amt. of time above 247.0 ft during spring months (March - May)	
Modeled 58DD	2.8%	
Plan B+	8%	
Plan BV7	7.8%	

OPEN LETTER TO THE COMMISSIONERS OF THE INTERNATIONAL JOINT COMMISSION

We regret the need to be openly critical of the International Joint Commission and the working group involved with water level Plan BV7.

We shall start by saying that, in our opinion, you are all very bad at your jobs.

After \$20,000,000.00 spent between 2000 and 2006 and untold millions since, you are trying to force-feed the property owners along the south shore of Lake Ontario a plan that is even more damaging than the plan, known as Plan B+, that was not approved a few years ago.

You expect us to swallow between \$4 and \$5 million dollars in annual damages, the vast majority to occur in the United States, in New York State and on Lake Ontario. Those are your figures, not ours. Our figures would reflect damages three or more times higher than your \$4.5 million yearly average.

If BV7 is the best plan you can formulate, then perhaps you should all step down and let someone else have a crack at it -- someone who can be more objective, or someone who is willing to treat all parties equally.

Not only are you bad at your jobs, but you also insult, demean and disregard us. Where are the Commissioners at these informational meetings? Why isn't the water-level issue important enough for them to hear our concerns first-hand? Why are we not talking directly to the BV7 decision-makers?

Aren't our homes, our sewer and water systems, our tax base, our communities, our way of life, our property values, important enough to have the Commissioners hear our side of the issue first-hand?

The IJC Commissioners and their staffs are not royalty. You are public servants. The absence of the Commissioners speaks volumes!

On a path to ethical bankruptcy, your working group is attempting to remove the promise of damage mitigation by saying that the grossly underestimated \$4.5 million in annual BV7 damages is not damage at all, but rather a "reduction in benefits" that the system has provided to south shore riparians over the years.

This "sleight of hand" would be similar to saying that, as you have had ten fingers your whole life, cutting off three of them would not be a problem, but just a reduction in the benefits that having ten fingers provides.

It is notable that other interest groups, who will feel no pain from this plan, have seen much larger benefits from regulation than have south shore riparians and will receive even greater benefits under this plan. You cannot produce power without a dam, and you cannot sell that power at cut-rate prices to keep businesses open and employ people in the North Country without the dam and regulated water levels. It is essential to observe the benefit that the Great Lakes shipping industry and its employees, steel mills, grain producers and manufacturing plants have received from regulated water levels.

Extremism is present when one group perceives their interests to be so important that hurting another group is not only acceptable, but even a part of the plan. Plan BV7 has been crafted by environmental extremists who appear to have reeled in the IJC, hook, line and sinker. They are proposing a solution that may not work, to a problem that may not exist. They appear to pronounce that anyone who does not support Plan BV7 is an enemy of the environment in need of a dose of "benefit reduction" as punishment!

It might take an average eighth grader only an hour or so on Google to find enough contradiction within environmental points purporting to support Plan BV7 to make one question their accuracy.

The IJC's own experts initially said high water helped the wetlands, yet now they are positive that low water is the answer. Such contradictions do not engender confidence.

BV7 is claimed to help the Muskrat population by increasing it by nearly 160%, yet one might observe that the DEC has a no-bag limit on muskrat trapping. With a license, one can trap as many as one wants. In fact, a

DEC employee was quoted earlier this year in the Watertown Daily Times as saying, "...the nice thing about them (muskrats) is that they are easy to catch and there are plenty of them." Is it water levels or over-hunting that is the problem? Also, the cattails that so many feel the need to eliminate are the primary source of food to muskrats.

BV7 is supposed to help solve the declining population problem of the Black Tern. Googling that problem, one may find that the Black Terns' declining population in New York is actually a shifting of their migration pattern in North America. Regulated water levels are mentioned as a possible reason, but no more often than recreational boat wakes causing Black Tern nests to be destroyed.

Environmentalists claim that 64,000 acres of wetlands have been lost by the current regulation plan. Yet, one might ask how many acres of new wetlands were created when the dam flooded vast sections of the St. Lawrence River Valley. Maybe we haven't lost any wetlands at all. Maybe there has just been a reduction in wetland benefits. Now one must ask how many miles of shoreline, both private and public, will be lost under BV7.

None of the environmentalists are saying anything about the St. Lawrence River EPA Superfund sites caused by Alcoa, General Motors and Reynolds Aluminum. Not much has been said about the PCBs, Dioxins, Mirex and Mercury coming into the lake from the Black River, Oswego River and Genesee River. Indeed, 85% of our water supply from the Niagara River flows past the Love Canal and the old Hooker chemical sites. It might be that the radioactive materials leaking into the lake from nuclear waste sites near Toronto are the reasons that people are catching less Northern Pike. We do not claim to be experts, but all this pollution might be having a negative effect on fish, wildlife and wetlands.

Amidst all such contention, what do we want you to do?

1. We want you to keep your promises of a balanced approach, with no disproportional damages and no unmitigated damages. A balanced approach is not a plan that places 95% of the damages in the United States, in New York State and on Lake Ontario's south shore.
2. We want the IJC to stop letting extreme environmentalism rule this process. We want the IJC to stop fostering an atmosphere that pits interest groups against one another.
3. We want you to go back to a transparent process that includes representation from among property owners along Lake Ontario's shores, ponds and bays, recreational boaters and businesses.
4. Unlike some, we do not want any interest to be damaged. We want to live, work and play in, on and along a lake and river that are safe, healthy and preserved for future generations.

The role of government should not be to harm the very citizens it is charged to protect.
WE WANT YOU TO COME BACK TO US WITH A PLAN THAT HURTS NO ONE!

The Directors of Lake Ontario Riparian Alliance (LORA) www.loranet.org

Dr. Dan Barletta, Director for Monroe and Orleans Counties

Jim Jerome, Director for Oswego and Jefferson Counties

Tony McKenna, Director for Niagara and Orleans Counties

Henry Stewart, Director for Monroe and Wayne Counties, President of LOSS (Lake Ontario South Shore Council)

Jack Steincamp, Founder of LORA and Director for Wayne and Cayuga Counties

Online petition

LORA, along with the Save Our Sodus (SOS) organization, has created an online petition @

<http://www.STOPplanBV7.com> . Please sign our petition! Send it to your friends and ask them to sign.

As of this week, Governor Cuomo will also be receiving notification of anyone signing our petition. For those who already sign the petition, your effort has already been sent to the Governor.

We, the undersigned, are opposed to Plan BV7 currently being promoted by the International Joint Commission for the following summary reasons:

As communicated by the IJC, the principal purpose for the proposed implementation of Plan BV7 is to restore / improve the quality of the wetlands. There has been no update of any data since the last reported data of the Lake Ontario-St. Lawrence River (LOSLR) Study (2000-2006).

The IJC has stated that the damages and benefits for the proposed BV7 are based upon the results of the LOSLR Study, completed in 2006. However, the IJC has not addressed the significant and serious deficiencies in the analyses and conclusions of that Study.

Estimates of shoreline damage are substantially underestimated; nor are there any provisions for reparations. Economic impacts to businesses and homes in bay communities, like Sodus Bay, Port Bay, Sandy Ponds, etc., are not taken into consideration.

Impacts on public infrastructure, sewers and septic systems in particular, are not taken into consideration. During high water levels (247' and above), sewer systems from the Niagara River to Greece, through Sodus Point and up to Watertown, will be flooded and cease functioning - a health and environmental issue of major proportions.

Plan BV7 is apparently based on the LOSLR Study Plan B+ originally presented, in 2006. However, Plan BV7 increases damages to Lake Ontario coastal communities, while decreasing them to other interests when compared to Plan B+.

Plan B+ was rejected by the IJC in 2007, due to, the high damages that would have resulted from its implementation and the lack of resources for mitigation and compensation for these damages.

Plan BV7 will have an harmful effect on Lake Ontario boating. BV7 will cause an estimated annual damage of over \$1.3 million per year.

Plan BV7 will have an adverse effect on marine infrastructure built to the current regulation plan operating range. During Plan BV7 high water periods, fuel docks and other fixed structures will be flooded. During low water periods, water access will be limited. Increased dredging will be necessary.

- 1) If you have multiple family members, have them sign the petition individually.
- 2) Please tell your friends and neighbors that this is not just a shoreline issue. Email them the link.
- 3) Ask your friends who are boaters, fishermen and marina owners to sign the petition.
- 4) Inform your friends who do not live near the Lake that their parks, beaches, and water, sewer and other utilities could be affected by BV7.

New addition to the LORA Web site

The LORA Web Site has been updated to include a new page with many of the resolutions and letters against BV7 sent to the IJC by our elected officials.

We have posted these on the web site in PDF format so that this newsletter would not be 50 pages long and would be easier to download. This page will be updated as we receive word of other resolutions and letters.

The web page is found at:

<http://www.loranet.org/bv7resolutions.htm>