

# LEVELER

## E-Newsletter from the Lake Ontario Riparian Alliance

Issue 14 September 16, 2012

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

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## If you think it is bad now, wait until BV7 is in operation.

The Lake Ontario Riparian Alliance (LORA) has been getting some very disconcerting reports regarding conditions with the current Lake Ontario regulation plan, 58DD, and how these problems may be exacerbated if Plan BV7 is enacted.

These concerns are centered on the supposed benefits of BV7 as they pertain to Recreational Boating and Environmental Benefits.

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### Recreational Boating



Figure 1  
Braddock's Bay  
Navigation Channel



Figure 2  
Braddock's Bay  
Navigation Channel

As this newsletter is published, the current lake Ontario level is 244.49 feet (Rochester Democrat and Chronicle 9/13/12).

We know that BV7 is being tracked by the International Joint Commission (IJC) and that Lake Ontario would be at 244.0 feet, if it was the operational plan at this time. Based on information gleaned from the IJC web site, these levels could occur at the peak (**July**) of boating season under very dry weather conditions.

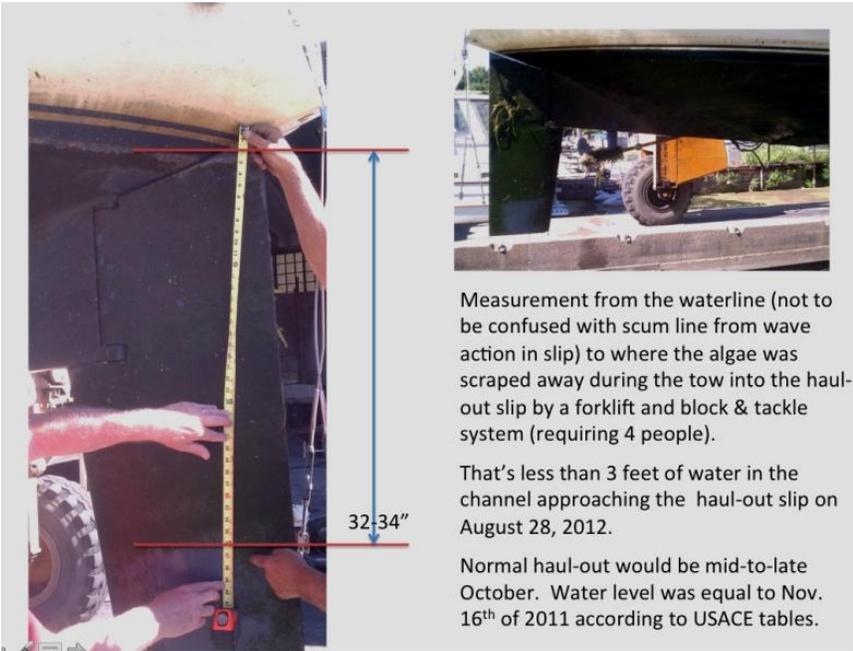
The adjacent photos, (Figs #1 & #2) taken on September 1, 2012, are of the Braddock's Bay Navigation Channel, which measured approximately 16 inches deep.

Figure #3 taken Sept 16, 2012 from mid-channel, shows a depth just over 13 inches!



Figure 3  
Braddock's Bay  
Navigation Channel

**Wilson Harbor** - Wilson Harbor is an economic generator for the town. Many restaurants and small businesses will be harmed if the harbor cannot function. As of right now, the sailboats are being pulled; but the big news is that this harbor will not work at either end of the range for BV7. The Harbor will be flooded out in the spring high water and will not function for boats in the low range.



Measurement from the waterline (not to be confused with scum line from wave action in slip) to where the algae was scraped away during the tow into the haul-out slip by a forklift and block & tackle system (requiring 4 people).  
That's less than 3 feet of water in the channel approaching the haul-out slip on August 28, 2012.

Normal haul-out would be mid-to-late October. Water level was equal to Nov. 16<sup>th</sup> of 2011 according to USACE tables.

The adjacent photograph was sent to LORA by one of our members from the Wilson Harbor area. The picture is self-explanatory. The question that arises from seeing this is: if we were operating with BV7 as the Lake Ontario Regulation Plan, by which the lake would be approximately 5 to 6 inches lower than it is now, would this have caused the rudder on this boat to be sheared off during the haul-out?

**Figure 4**  
**Wilson Harbor**  
**August 28, 2012**

**South Sandy Pond**



Will these boat docks be usable? If BV7 was in place this year, Lake Ontario would be 5 to 6 inches lower than present levels.

**Figures 5 & 6**  
**South Sandy Pond**  
**August 28, 2012**



## Environmental Catch- 22

Plan BV7 has been touted by many environmental groups as the means to improve the meadow marsh area between the water and upland areas. It has been suggested in many environmental reports that levels higher than those that have occurred since the 1960s will eliminate woody plants.

However, we have discovered, it may take a number of years or at least many months to cause the death of woody plants in the meadow marsh area.<sup>1</sup> Some species of trees are better able than others to adapt to flooded conditions. Trees that have evolved in a floodplain ecosystem have mechanisms to cope with the periodic flooding that may occur and are better able to handle flooding.<sup>2</sup> (LEVELER 13)

Along with the higher levels proposed by BV7 proponents, lower levels have been suggested as the preferred method to reduce the cattails in the marshes. Many cattails in our marshes are of an invasive species type, Narrow Leaf Cattail (*Typha angustifolia*). LORA has recently noted a report by the wetland scientist for the Lake Ontario-St. Lawrence River Study suggesting that, at lower levels, another invasive species can grow and become as predominate in the marsh as cattails<sup>3</sup>. This plant is called Phragmites (*Phragmites australis*). To the lay person, it looks like a cattail but with a rooster tail on top. Thus the conundrum! See photos below:



**Figure 7**  
**Narrow Leaf Cattail**



**Figure 8**  
**Phragmites**

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<sup>1</sup> <http://www.extension.umn.edu/distribution/naturalresources/m1289.html>.

<sup>2</sup> Flood Damage Effects On Trees, Janna Beckerman, Extension Plant Pathologist, Yard & Garden Line News, Vol. 3, no. 5. University of Minnesota Extension. 1 p.

<sup>3</sup> Response of wetland vegetation to the post-1986 decrease in Lake St. Clair water levels: Seed-bank emergence and beginnings of the *Phragmites australis* invasion, Wilcox, Douglas A., Jour. Of Great Lakes Research, Vol. 38 (2012) pp 270-277.

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## 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 signed the petition, your effort has 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 with respect 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 a 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's 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.
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## **Letter from New York State**

This last week, a letter issued jointly by the NYSDEC and Dept of State, was received by a LORA Board member. A copy of this letter is attached separately to this newsletter. It appears that our work as an alliance has opened their eyes to the problems with BV7. We would like to praise the NYS DEC and State Dept for being open minded and suggest that the facts we've presented were a factor in their new-found objectivity.

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## **Recreational Boating Alert for Little Sodus Bay**

USCG D9 issues warning to Mariners

### **Lake Ontario Little Sodus Bay**

Shoaling below 6' has been reported in the southern section of the entrance channel.

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## **Final Thought**

Any plan that would have drastic low water over long durations will negatively affect quite varied groups. If ships can't carry as much, their industry suffers. Product prices go up. It isn't just a bunch of whiners on the shore that are hurt in order to save Muskrats. The secondary and tertiary effects of this plan, or any plan from the Lake Ontario-St. Lawrence River Study, were never evaluated.