

# LEVELER

## E-Newsletter from the Lake Ontario Riparian Alliance

Issue 17 June 19, 2013

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

[www.loranet.org](http://www.loranet.org)

---

In this issue:

- Plan 2014 - The Good, The Bad and the Really Ugly!
- Climate-Change Misdirection
- Public Meetings Schedule
- Points for Public Hearings
- Sign the Petition: Stop Plan 2014

---

## Plan 2014

### The Good, the Bad and the Really Ugly!

#### The Good (to a degree)

1. Deviations will be allowed:

- **Operational Adjustments due to Inaccurate Forecasts** - Since forecasts of conditions are uncertain, there will be occasions when actual within-the-week conditions differ significantly from forecasted conditions used to calculate the regulation plan flow.
- **Minor Deviations for the St. Lawrence River** - To respond to short-term needs on the St. Lawrence River, the Commission will allow the Board to make minor discretionary deviations from the approved regulation plan that have no appreciable effect on Lake Ontario levels.
- **Major Deviations** - Major deviations are significant departures from the approved regulation plan that are made in response to extreme high or low levels of Lake Ontario in accordance with criterion 'H14' of the Orders of Approval. Major deviations are expected to significantly alter the level of Lake Ontario compared to the level that would occur by following the approved regulation plan.
- **Emergency Deviations** - Emergency situations are those that threaten the physical integrity of the water management system and that may lead to a loss of the ability to control the flows in the system or unusual life-threatening situations. See more at:  
[http://www.ijc.org/en/\\_losl/Deviations#sthash.ww6c034V.dpuf](http://www.ijc.org/en/_losl/Deviations#sthash.ww6c034V.dpuf)

2. **Trigger points for Deviations:** As mentioned in the above section, Major Deviations will be allowed if Lake Ontario water levels reach a specified “**Trigger point**” or level. During the original Lake Ontario-St. Lawrence River (LOSL) Study, this type of deviation based on forecast was advocated by a LORA Director who was at the time a LOSL Study Board member. It is appreciated that the IJC finally realized that this may be something to consider, even if it is eight years late.

The concern remains that the **Hi-level Triggers are still too high**, especially when the low-water triggers are not. **The Hi-Level Triggers for March 1<sup>st</sup>, April 1<sup>st</sup> and May 1<sup>st</sup> are 246.6 ft, 247.15 ft and 247.8 ft, respectively. Any level over 246.3 ft in these spring months will cause tremendous damage!**

- 3. Reduced damages?:** Plan 2014 reduces damages for homeowners and recreational boaters on the Lake Ontario and the St. Lawrence River above the dam section from an average annual loss of \$4.46 million to an average annual loss of \$2.9 million. This still is a subject of contention, due to poor background data. (See next section below)

## The Bad

### 1. Data used is still old outdated and inaccurate:

On September 15, 2004, at a public meeting of the LOSL PIAG (Lake Ontario-St. Lawrence River Study - Public Interest Advisory Group) held in North Rose, NY , 1 1/2 years before the end of the LOSL study, the chief contractor for the Coastal Technical Working Group was advised that property values, as indicated by increased tax assessments, had risen. Since this was a critical feature for the development of Coastal Damages, this contractor should have revisited the data before critical decision-making based on his information. Since the original LOSL Study, the Town of Greece, NY has reassessed its shoreline properties two more times and at no time has any assessment values decreased in value.

The cost for shoreline protection has been documented to have been 2 to 3 times undervalued in 2005. In today's dollars it is much more.

### 2. Damages:

There is still a large disproportionate loss concentrated on the south shore. The total annual damages for coastal and recreational boating are disproportionately centered on the five south-shore counties, with the majority in Monroe County.

- 3. Spring Storm/Flooding Risk:** As seen below on the chart, the risk for levels above 247 during the spring storm period of March thru May has increased substantially.

### Lake-level probabilities:

In previous issues of the LEVELER, we posted information based on the former Lake Ontario - St Lawrence River Study (2000-2005). Recently we received updated information from the IJC regarding the probability that Lake Ontario would be above 247 in the spring months of the year.

Below is a chart with the new information. As you can see Plan 2014 is worse than the previously proposed Plans BV7 and B+, and is over **3.5** 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%
Plan 2014											10.17%

Note: according to IJC personal the % time above 247with Plan 2014 in the above scenario is 7.7%. According to our statistician it is 10.17%

**No Criterion K deviations** will be allowed for flooding on shores of Lake Ontario. Emergency deviations will be allowed only for specific problems, as stated above.

## The Really Ugly

- 1. Public Meetings** - In a rush to a possibly predetermined outcome, the IJC Commissioners have planned a series of public meetings. The first of these meetings is to be in Niagara County, NY. An issue with this first meeting is that it will be held on a Sunday evening in July. There will also be no technical meeting associated with this location.
- 2. Public Meetings** – While the majority of future damages will be occurring in Monroe County, we find it outrageous that the IJC has not scheduled a public meeting in this County. The two new Congressional representatives for Niagara/Orleans and Wayne/Cayuga/Oswego have lobbied for public meetings in their districts.

3. **Public Meetings** – Public meeting Format – The IJC Commissioners have decided on a format that will not allow many comments from the public at large. The meetings are three hours long. Based on previous experience, the Commission will make a short presentation, which probably will take on one-half. As each speakers to limit his/her comment to 3 minutes, so using simple math suggests that will allow fifty people to speak at each public meeting.

**Public Meetings In Summary-** The IJC Commission will hold two technical meetings and three public hearings on the US side of the border. One public meeting will be held on a Sunday evening. No meetings are planned for the most highly populated area most likely to have the most damages incurred from the plan. There will be two technical meetings on the entire south shore but in locations not afforded a public hearing. The meetings will be scripted with a firm start time and a firm end time, with a minimum of the public able to speak.

**IJC Public Hearings**  
All run 6-9 pm

<b>Sunday, July 14</b>	<b>Monday, July 15</b>	<b>Tuesday, July 16</b>	<b>Wednesday, July 17</b>	<b>Thursday, July 18</b>	<b>Friday, July 19</b>
Lockport, NY  Cornell Cooperative Extension  4487 Lake Avenue  Meeting Room: 4-H Training Center	Jordan, ON  Ramada Jordan Beacon Harbourside Hotel & Suites  2793 Beacon Boulevard  Meeting Room: Harbour Sanderson	Williamson, NY  Central High School  5891 Route 21  Meeting Room: Auditorium	Alexandria Bay, NY  Bonnie Castle  31 Holland Street	Montreal, QC  Best Western Plus Hotel Europa  1240 Drummond Street  Meeting Room: Mont Blanc	Cornwall, ON  Ramada Inn and Conference Centre  805 Brookdale Avenue  Meeting Room: St. Lawrence West

**Points for Public Hearings**

- Why are damages to public lands still not in damage estimates?
- Why does IJC continue to use underestimated values for private property and shore protection?
- Why are upper triggers set higher than corresponding low end triggers?
- As the IJC is /has only considered damages to existing structures, where will the money come from to retrofit existing structures to withstand higher and more frequent levels, especially in spring?
- What will be the effect on flood insurance rates with increased risks of higher and more frequent levels?
- Who will pay for damages to septic systems?
- Who will pay for houses with basements built prior to the project suffering damages but not evaluated??
- Why is the Quebec area afforded the same protection as it has with current plan, while damages under Plan 2014 will affect primarily New York State?
- Why is the IJC avoiding Monroe County, whose population and properties may experience the most damages under this plan?

Sign our petition

[www.stopplan2014.com](http://www.stopplan2014.com)