

LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

Issue 24 August 17, 2013

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

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Call To Action

**Little Time Remains to Voice Your Concerns about the IJC's Lake Ontario
Water Level "PLAN 2014".**

You Must Submit Comments before Aug 31st.

**The IJC's Water Level "PLAN 2014" Will Cause Damages to Recreational Boaters,
Waterfront Properties & Businesses.**

WHAT CAN I DO?

- If you want to protect your property, please go the IJC Plan 2014 Comments Page and voice your concerns about this plan. http://www.ijc.org/en/_losl/Submit_a_Comment **Comment to the IJC, "NO, I do not support Plan 2014."**
 - Call the Governor's office and demand that he come to the south shore to view the area before making any decision on this plan. His telephone number is: **(518) 474-8390**.
 - Call your elected representatives. A list of contacts for the NYS Representatives is listed on the LORA web site: <http://www.loranet.org/officials.htm> . Ask them to call the Governor.
 - Our friends in Sodus Point, New York, have put together another letter that homeowners and recreational boaters may adapt to their own use to send to NYS Governor Andrew Cuomo. The letter is attached to this newsletter separately.
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Plan 2014 Triggers And Why They Will Not Work, Based On History - Part 2

In LEVELER 23, we reported about Operation Foresight, which occurred in the spring of 1973. To refresh your memory of this awful time, the USACE approached the Town of Greece and Monroe County, New York, in December 1972, stating that there was nothing it could do about Lake Ontario water levels and to prepare for the worst in the spring of 1973. In December 1972, the actual water level was 245.41 (Average for month). The Plan 2014 trigger for December is 245.90 (Average for month).

After we published LEVELER 23, we learned from sources at the Rochester Democrat and Chronicle that the damages to Monroe County alone in the spring of 1973 were 15 million dollars. In today's dollars, that is just under \$80 million. This reinforces what we have feared: man-made extreme high levels will mean that the damages will be catastrophic, with millions of dollars in damage occurring in a single day. Additionally, at the time of the 1973 damages, most homes on the lake were seasonal, but today they are year-round homes, so the damages would be even higher than \$80 million today.

A recent article from a reporter who understands the predicament the south shore of Lake Ontario faces: *Niagara Gazette, August 9, 2013 By Mark Daul*

GUEST VIEW: Lake Ontario property owners still taking it on chin

Back in the mid-1800s, President Lincoln said, "You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time." What a quote, but in the case of waterfront property owners, we have been hoodwinked by the International Joint Commission (IJC) since the early 1950s when the St. Lawrence Seaway was built. Shortly after that, about four to five years, we saw our beaches diminish, and then in the coming years we saw them destroyed, destroyed to the point where lakefront land owner's property was lost to the lake by the hundreds of feet due to the controlled high waters. But no, we were told it was from 'natural' erosion, it was to happen anyway. Boy, were some people fooled, but all the people weren't fooled.

The St. Lawrence Seaway was built with two thoughts in mind, and that was to increase shipping traffic, and the Moses-Saunders power dam in Massena and Cornwall, Ont. Dollars were in everyone's eyes regardless of what effect it would have on the peoples' land, businesses, recreation, marina's and other water usage. It was all driven by dollars, just like it is being driven today when asking for the expansion of water levels. They call it, "contributing to the economic and social well-being" of the lake. Remember, higher levels generate more power, higher levels increases shipping dollars, and higher levels increase the erosion we have all had to endure over the past 50 plus years.

If we want to talk about marina owners complaining about low waters, which they do, well then they should complain about why they don't get the Army Corps to dredge the channels out into the lake. The channels get filled with silt and other stuff, blocking proper passage and flow of water. Maybe the marina operators should spend some of their own money to dredge around their customer's docks so they can have deeper water for those big yachts and power boats. Why not, after all, the landowners spend their own dollars. The ecologists should ask that same question instead of asking for higher lake levels.

The big money shippers are crying they can only carry half loads of freight because of low water levels, the crybabies have to make two trips instead of one to make the same money. Then they turn around to justify their story by saying; that increases the cost of goods and merchandise to the people, trying to justify their reasoning. Now ecologists are whining that the fluctuating water levels are necessary to flush the creeks and streams to improve habitat. Before man started tinkering with the ecology of Lake Ontario it was fine. I can vouch for Four Mile Creek, because that's where I spent a lot of time in my youth. I saw it flush and flood naturally year in and year out.

This July, the IJC held a series of public hearings relating to their "new" plans for Lake Ontario water levels, it is called Plan 2014, reversing Plan 1958D, the one that has been in effect for years. The first meeting was held at the Cornell Cooperative Extension Building in Lockport. The date was July 14 which was on a Sunday from 6 to 9 p.m. when not many people could attend. Summer Sundays and weekends are always busy with family picnics, camping trips, get-togethers etc. How convenient was that for them?

I am very critical of the IJC for my own reasons, and one of those reasons is I have attended quite a few of our regional meetings in the past, and always came away feeling empty. I always knew in my head I was being fed a line of malarkey. All the meetings were the same answers; "we'll look into this, we'll look into that, or we'll see what we can do, and make a note. Or the best yet was, "we are not the decision makers, we gather the information and report back to the Board of Control. I call it the boot scootin' boogie. The International Board of Control is made up of U.S. and Canadian members.

The recent meeting in Lockport was attended by Niagara County Legislator David Godfrey, according the Gazette report written by Bill Wolcott, a long-time local reporter that should be recognized for his accuracy in reporting. Godfrey is quoted as saying "Our south shore is going to get beat" with the rising water levels. The IJC admitted at that meeting there was going to be shore damage, according to Wolcott. IJC spokesman/public affairs officer, Frank Bevacqua, explained the lake will see a rise of "about 2 ½ inches and lows up to 8 inches." Bevacqua said "it's modest, but not trivial." Rise 2 ½ inches higher than what? The all time high? Or average lifetime lake levels. Oops, we are not supposed to ask that. 2 ½ inches may sound 'trivial' to landlubbers, but 2 ½ inches to a land owner means a lot in face of more erosion and land loss to our waterfront. Right now, today as this is being written, the lake is 14 inches over what it was last year at this time. Predictions of level fluctuations if the new 2014 plan goes through, was reported at 4 feet and another, quoted by Bevacqua, is 6 feet of fluctuation, Somewhere I saw a prediction of it fluctuating as much as 8 feet. That would be 4 feet below normal and as much as 4 feet above normal.

A prolonged storm from the north will actually raise water levels by 2 to 4 feet above the present level. Of all the millions of dollars homeowners spent along the lake on shore revetments then get torn apart because levels fluctuate so much. I actually witnessed a property owner about 3 miles east of me, during a three-day storm from the north, have his stone revetment get busted up and torn apart like those 2-3-4 ton boulders were tinker-toys. As another matter of fact, our now retired Congressman John LaFalce, was holding a series of his famous "Town Meetings" in the Porter Town Hall the weekend of that storm, and the congressman had a different agenda for the day, but the meeting was dominated by shore owners wanting to know what is being done about their constant loss of property. No one got a straight answer because it was something our Congressman knew completely nothing about. "boot-scootin'-boogie" all over again, but he did say. "I'll get back to you." Still waiting, and this is 2013.

The northern Lake Ontario and St. Lawrence River communities, which depend heavily on recreational boating and tourism for their livelihood, are mostly all in favor of the higher levels Plan 2014 provides. People living along the along the south shore, and to the east, there is strong opposition as it has been in the past.

I wish inlanders would be more interested in what I call the shenanigans of the IJC, the power producers, and the Great Lakes shipping industry, but the way people think nowadays, I know it is impossible, the small number of land owners, all means a very small number of voters. Inlanders have different agendas.

I would like to make mention the good work of Legislator David Godfrey, Sen. George Maziarz, Assemblyman John Ceretto, and many others like the lakeshore town supervisors, councilmen, Legislators, and whoever pipes up and puts a voice in for us, waterfront land owners. These were the same people that came and fought for their constituents' when it came time to throw the windmill idea out the window on Lake Ontario. Another money making scheme by the big power producers in the guise of the environment. We have all been told "watch the money" and in both of these cases, watch the money. Remember: "You can't fool all the people all the time."

The IJC will accept written comments through Aug. 30 before it makes a recommendation to Washington and Ottawa for action. http://www.ijc.org/en_/losl/Submit_a_Comment

Essay Published in Buffalo News, Messenger Post News, and Rochester D&C online
(Week of August 5, 2013)

Lake Ontario Plan 2014...A Man-Made Disaster waiting to happen!

In response to Mr. Jim Howe of the Nature Conservancy, if the International Joint Commission's (IJC) Plan 2014 is implemented, history might very well look back at both the plan and the current IJC Commissioners as source of more "man-made" property and economic damage to NY State than from any other disaster in its history.



Ray Fishbaugh cottage near "outlet" - Wright's Beach 1952. Charles Nichols digitized the photos

Most of the time, the damages will not be dramatic or sudden but a silent grinding away of public and private property until the time when entire parcels are devalued or taken off the tax rolls. As an example, 30% of the assessed value of the five shoreline towns in Wayne County is waterfront property. If the County loses these properties to the lake, and the County wants to maintain the current level of services, somebody will have to make up that difference. The six south shore counties that will experience the most damage from this plan happen to be in the top 18 counties nation-wide that pay the most property taxes.

At other times, man-made extreme high levels will mean that the damages will be catastrophic with millions of dollars in damage occurring in a single day.

Further in his essay, he cites dollar values that seem to say that this aberrant plan would provide millions of dollars in benefits. What he fails to state is the low water periods would be devastating to the \$94 million dollar per year sports fishing industry along the south shore, or that the estimates for property damage along this shore have been shown to be 2-3 times greater than the plan states.

Most private property damage is undervalued and damages to public lands and infrastructure was not even evaluated. Water intakes, sewer systems, roads, bridges, power lines and other sensitive infrastructure might be at risk from drastic man-made level changes on both the high and low side. An example of the failure of the Commission to properly evaluate the potential economic losses is in the Town of Somerset, New York. This town has over \$400 million dollars in public assets that were not included in the damage estimates in the original Study by the IJC.

This plan was created behind closed doors with the environmental interests and no other interest allowed in. We commend the elected representatives of the Province of Quebec for standing up to the IJC and stating that they would not accept any more damages than what occurs to their part of system under the current plan, but we are dismayed that the New York State representatives would allow this damage to occur to its citizens! The IJC needs to return to the drawing board and come back with a more represented plan!

Dr. Dan Barletta on behalf of the Lake Ontario Riparian Alliance

**Editorial from the Watertown Daily Times, Friday, August 9, 2013, and
Messenger Post News, August 15, 2013:**

When you look at the facts, one starts to wonder "Is plan 2014 even about the environment?"

First off, neither Plan 2014 nor BV7 were among the plans recommended to the IJC from their own Study Board. To our surprise, these plans came out of nowhere, born in closed door meetings that did not include all the interests.

Next, the primary biologist pushing for water level change is Professor Doug Wilcox. Dr. Wilcox stated (on the record) that improving wetlands required high water but no higher than seen under the current plan. Further, it was only needed, on average, every 20 years or so. Dr. Wilcox also said we needed, "lower lows, for longer durations of two years or more," as a crucial part of restoring wetlands.

Environmental groups claim that current regulation interferes with the natural high levels. Checking the facts, we've actually had levels high enough to satisfy Dr. Wilcox's theory in 1952, 1973, and 1993. By my math that is, on average, every 20 years.

Since facts show we already have the required "high" levels, in the required time frame, and they occur under the current plan, it would seem that all we are missing are extreme "low" levels that last for years.

But, Plan 2014 gives an annual multi-million dollar benefit to Hydro Power, due to increased power generation, and IJC estimates of shoreline damages are in the millions of dollars annually. How does this occur with lower water for longer durations? Shipping interests would be outspoken if they actually believed there would be low water for years on end, but are silent. You see, it just doesn't add up.

If there "is" any truth, to the low water side of Plan 2014, supporters should brace for its impacts. The IJC and environmentalists should carefully study the crisis conditions occurring on the upper lakes due to low water. The damages being caused by low water there are exactly what they believe will be corrected by low water here.

The IJC could make Plan 2014 add up by balancing the damages and recommending benefit sharing of hydropower windfalls to mitigate those damaged. St Lawrence River and North Country communities are historical recipients of this type of mitigation from NYPA, Alcoa, GM and others with huge water use benefits. This would add up to a plan that kept the IJC promise of no disproportionate damages.

Jack Steinkamp, Founder of LORA

Lake Ontario and Plan 2014

- The six counties on the south shore have 10,025 private and public parcels of land, with a total assessed value of \$3.7 billion dollars.
- At an average 4% property and school tax rate, that generates \$148 million going to support local economies.
- Spending on an average of a minimum 1% of the property value for maintenance injects \$37 million into the local economies. (Data found verifies a minimum 1% as the average maintenance cost; but the range can be 1- 4 %.) (<http://library.hsh.com/articles/first-time-homebuyers/preparing-to-buy-estimating-the-costs-of-homeownership.html>).
- Since much of property maintenance involves sales of taxable goods and services, at a sales tax rate of 8%, this loss of sales results in a loss of \$2.96 million per year to state and local governments.
- If just 10 % of properties are damaged due to Plan 2014, this will create damages amounting to \$370 million.
 - As a reference, in 1973 there was a state and federal disaster declared for the shore of Lake Ontario. In two of the affected counties alone (Jefferson and Monroe), the total amount of damages was \$16.5 million. In today's dollars, that is \$87.8 million. This does not include adjustments for houses that were seasonal in 1973, and that have become year-round family homes today.
- The 2012 Biggert-Waters Flood Insurance Reform Act will have flood insurance rates increasing from 100% to 1000% over the next 5 years. The cost of insurance is based on risk, and the risk is based on the current plan of operation. With Plan 2014, the risk of high water is more that 5-fold in the March-May

time-frame when the south shore is prone to more severe storms. Plan 2014 increases the risk of higher levels when compared to the current plan. If the risk increases, so will the cost of insurance.

- Plan 2014 imperils a \$94 million annual fishing industry along the south shore.

Final Thought

Have you ever wondered, if Plan 2014 is so wonderful, then why are folks being sent out into the lakefront communities to gather petition of support? *CITIZENS CAMPAIGN FOR THE ENVIRONMENT (CCE)* is conducting their own petition-signing to "Support this once-in-a-lifetime opportunity" to "Restore the Health of Lake Ontario and the St. Lawrence River". You would think, if this plan is so good, that it would sell itself.

Of course, they will not mention the damages that it will cause to communities along the south shore. Or that whole town may have to evacuate because the sewer systems will be shut down or compromised, so as to render them inoperative or, as a worst case scenario, to fail and cause raw sewage to enter the lake, ponds and bays. That would be a great environmental effect!

Daniel C. Krupke, Supervisor of Town of Richland, New York, stated that the (CCE) representatives were canvassing in Pulaski, and also inland of Sandy Creek. We find it interesting that they would stoop to this type of a campaign, especially when they are going after people who likely have no skin in the game or likely no knowledge of the issues involved to gain higher numbers.

Visit www.Loranet.org for more information.

For past newsletters, see <http://loranet.org/levelerarchive/pastissues.htm>.
