LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

Issue 30 July 2, 2014

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

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Photos: Nature vs. Man-made

The first picture shows Midwest natural flooding. The whole country feels sorry for the affected people. All stops will be pulled out to help these people cope with the damages due to natural flooding. Federal funds will help mitigate/correct damages.

The second picture is representative of what will/can happen under Plan 2014. In this scenario, the victims are the villains. They should suffer in silence to help environmental theory. No help, no mitigation. The damages in the second photo will be man-made.

It is sad that it has become sacrilegious to challenge anything that environmental extremists present to the public.
Jack, Co-Founder of LORA

Historical Comparison: Use of Criterion K and How 2014 Triggers Will Only Leads to Devastation of the Lake Ontario South Shore!

Month/ Year	Level Criterion K invoked (Feet)	Max. Lake Level that year (Feet)	Damage total in today's $	2014 Trigger (Feet)	Would Trigger prevent damage?	
May 1964	244.55	245.01	Data unavailable	244.72*	**No**	Note #1
Jan 1973	246.22	248.45	Jefferson and Monroe Counties alone damages in today's dollars that equals **$87.8 million****	246.33*	**No**	Note #1
March 30,1976	246.28	247.83	Data unavailable	246.95	**No**	
Jan 13,1978	246.32	247.10	Data unavailable	246.29	**Maybe**	Note #2
Dec 26, 1985	245.37	246.74	Data unavailable	246.06	**No**	
Feb 18,1993	246.58	248.06	Data unavailable	246.52	**Maybe**	Note #3
Jan 17,1997	245.43	247.14	**$14.8 million** Niagara County alone	246.39	**No**	

Note #1: * denotes average of Trigger levels for indicated month. Author was not able to find exact date Criterion K implemented for 1964 and 1973.
Note #2: Criterion K was not revoked until June 9, 1993, when the lake was down to 246.18 feet. The trigger for that time of year is 248.06 feet. Plan 2014 would have stopped emergency deviations 1 month earlier and would have left the lake near 247 feet, likely allowing for continuation of damaging levels
Note #3: Criterion K was not revoked until August 23, 1993, when the lake was down to 245.83 feet. The trigger for that time of year is 247.18 feet. Plan 2014 would have stopped emergency deviations 1 ½ months earlier and would have left the lake above 247 feet, likely allowing for continuation of damaging levels.
**This does not include adjustments for houses that were seasonal in 1973 that have become year-round family homes today.

Conclusions:

Based on the operational history and current statements from the International Joint Commission (IJC), what we can conclude is:

1: The new plan is intended to insure that the lake eventually reaches the trigger levels which are extreme. The operational part of the plan exists not to protect from and prevent damage from extremes; it is there to guarantee that those extremes will occur as often as possible.

2. The Triggers proposed are inadequate. As seen in 1997, damages to the shore were occurring before the lake would have reached the Plan 2014 trigger, if this plan was in operation. Niagara County alone experienced damages over $10 million, which in today's dollars would be over $14.8 million with current plan what would it be with Plan 2014?.

3. Even though the emergency deviation, Criterion (K), was invoked in 1993 and 1997, the Board of Control was unable to reduce lake levels quickly enough to avoid more damages or to allow home owners to repair the damage that had

occurred. With Plan 2014, once the lake went below the trigger level, we suspect that the IJC would not allow emergency deviation to continue and the lake would still be at dangerous levels, which will promote more damages.

4. Even with a forecast of a pending disaster, the IJC would not act, under Plan 2014, to reduce damages as occurred in 1972-73. Based on the Plan documents, the IJC would not authorize emergency deviations until the trigger was reached. For the 1973 events, this would have been in February 1973. By that time, it would have been too late.

Questions for the IJC: Plan 2014 removes the 4 foot range, how will the water-side property border/lines get determined?

Today the regulatory agencies of the USACE(US Army Corp of Engineers) and the NYS DEC(NYS Dept of Environmental Conservation use the upper limit of the current operating plan's (58DD) 4 foot range as the delineation of where our property's border is delineated.

Plan 2014 does not have any such limits, thus there is no clear delineation between property of the State and property owned publically or privately entities.

How can this "Taking" of property without compensation be allowed?

And along this line of thinking we pose the following questions:

Where are the new shoreline protection regulations?

Where are the updated structural hazard designations?

Where are the new recession rates?

Where are the new natural protective feature limits?

Where are the new building set-backs?

Where are the Nationwide Permits from USACE?

Where are the new article 15 and 34 regulations?

Why cannot cannot be released quickly enough? Effect on Montreal?, Commercial Shipping?

Contact Information for our Elected Federal Representatives

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We need everyone on the South Shore to call our representatives and express our outrage about Plan 2014!

For more information: http://www.loranet.org/

Past Newsletters: http://www.loranet.org/levelerarchive/pastissues.htm