

# LEVELER

**E-Newsletter from the Lake Ontario Riparian Alliance**

**Issue 34      September 12, 2014**

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

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**In this issue:**

- **Another Resolution**
  - **Two Great Letters**
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**RESOLUTION PRONOUNCING OPPOSITION BY THE TOWN OF HAMLIN  
TO THE IJC PLAN 2014 AS FOLLOWS:**

WHEREAS, The Hamlin Town Board of the Town of Hamlin, New York, understands the concern and desire of the United States and Canada to have a plan of water level control that balances the needs of stakeholders in the Lake Ontario Basin; and

WHEREAS, the Town Board recognizes the impounded waters of the Lake Ontario provide reliable flows to produce inexpensive electricity and support international shipping; and

WHEREAS, the Town Board recognizes the need to plan in both nations to meet the anticipated accelerating increases in urban demand for electricity and support international shipping; and

WHEREAS, the Town Board recognizes the difficulties presented into the International Joint Commission in creating a new lake level management plan that addresses the desires of all stakeholders without causing undue harm; and

WHEREAS, the Town has shoreline and near shoreline properties that may be impacted by any change to the decision making process and current performance of the Board of Control of the IJC; and

WHEREAS, the total assessed value of the 374 privately held parcels in the Town along the shoreline and creeks exceed \$80,104,000; and

WHEREAS, New York State and the Town of Hamlin have a vested interest in the sanctity and preservation of Hamlin Beach State Park; and

WHEREAS, the Town Board recognizes this investment in real property has been made with critical evaluations for risk management reliant on the demonstrated lake level management capabilities of the Board of Control since 1960; and

WHEREAS, the Town Board recognizes that the new trigger levels authorizing the release of addition waters from Lake Ontario under Plan 2014 do not adequately protect residents on the south shore; and

WHEREAS, the Town Board recognizes that there are no reliable estimates of the damage these proposed changes in the Lake Ontario water level regulatory regime, thereby leaving south shore residents exposed to unknown damages; and

WHEREAS, these proposed regulations will force many people to move from their present homes because of the increased risks and cost associated with these changes;

NOW, THEREFORE, BE IT RESOLVED, that the Hamlin Town Board opposes the changes proposed under Plan 2014 regulating the level of Lake Ontario.

**Resolution #194** Motion was made by Councilperson Baxter, seconded by Councilperson Rose, opposing the IJC Plan 2014.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peters aye. Motion carried.

Supervisor Peters stated that a copy of the resolution would be forwarded to all pertinent jurisdictions, and he hope it would make a difference.

**Christine Spiers, M.S.**

**Deputy Town Clerk**

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The following letter was published in the September 10, 2014 Democrat and Chronicle online opinion page.

## Why is the lakeshore important to all taxpayers?

Contrary to popular belief, most of the shoreline is home to many middle class families, who for many of whom have made the shore their home for multiple generations.

At the present time, the south shore of Lake Ontario has an ax hanging over its head. This ax is called Plan 2014. The plan has been developed by the International Joint Commission (IJC), a Commission set-up due to a treaty between the United States and Canada to adjudicate water issues between the two countries, The Commission has sent this plan to the two countries for review and awaits a decision to see if they can implement it. The Commission has said that after spending \$20 million dollars and almost 15 years, this is the best they can do.

What the Commission does not say is that over the last 6-7 years, this plan was formulated not from years of study and much public input but rather a closed door meetings with only one or two of the affected interests at the table.

About 15 years ago, the IJC set up a Study (LOSL) that came up with three plans that spread benefits and damages between the various affected groups in a more even manner. The three plans were titled, Plan A+, B+ and D+. Plan A+ maximized economic benefits, Plan D+ was the "Balanced Plan", it improved the environment of the lake and river while at the same time spreading damages evenly, Plan B+ the environmental plan, which improved the Lake and River but has substantial damages which the Commission said was the reason at the time it could not be implemented.

After failing to implement any of these plans, the Commission set up a secret Working Group. This Working group was told by representatives from the Province of Quebec that it would not accept any more damages than what occurs with the current plan. By accepting the revised plan, representatives from New York State were willing to shift the damages to the lands of NYS.

What the Commission or the State do not have is the money to mitigate the damages which will occur to public and private property owners as well as recreational boating which is in the order of \$2-3 million dollars per year every year on average for the next 50 years.

### So why should people who do not live or boat on the lake have a concern?

Let's look at just two examples to illustrate. In Wayne County there are 5 towns along the shore. These Towns receive 30% of their entire tax revenue from the shore.

Second, in the year 2000, the Study (LOSL) incorporated the tax rolls of all properties into their plan formulation models. At that time, just in the Town of Greece, alone, the tax rolls for the shore was \$157.7 million dollars. While the Study was told at multiple times that home values have increased, they did not modify their databases. As of this week, the tax roll value for the same properties in the Town of Greece is about \$231 million, a 68% increase.

If Plan 2014 is approved, EVERY TAXPAYER in the affected counties will suffer serious high-water damage to shoreline properties resulting in lower assessments and will shift tax burdens to all residents of those counties. In addition the result of lower lake levels will be equally devastating to our \$94 million dollar per year sports fishing industry, again causing the loss of sales tax revenues to be made-up by all taxpayers. **Bottom Line: Plan 2014 is no less than another "Unfunded Mandate" by our government.**

**Every Taxpayer in the six counties along the South Shore of Lake Ontario should be concerned and upset at what may occur!**

Rino Pappano

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## Proposed Lake Ontario Water Level Plan -- A Disaster Waiting to Happen



*Please help us stop this this plan by contacting your federal representatives and ask them to vote against it.*

The International Joint Commission's "Lake Ontario - St. Lawrence River Plan 2014" will trigger a man-made disaster of catastrophic physical and economic impact for Cayuga, Oswego and Wayne counties, as well as all of the counties on the lake's south shore. I have joined with Senator Mike Nozzolio and other state representatives, calling on the area's federal representatives to oppose plans changing the way Lake Ontario water levels are regulated.

In letters to United States Congresswoman Louise Slaughter, Congressman Dan Maffei, United States Senators Kirsten Gillibrand and Charles Schumer, we strongly urged them to oppose any action on the International Joint Commission (IJC)'s

Lake Ontario - St. Lawrence River Plan 2014, until measures are taken to protect the properties of those who have homes and businesses along the Lake Ontario shoreline. We also wrote directly to Lana Pollack, United States Delegation Chairwoman of the International Joint Commission, sharing our opposition to PLAN 2014.

I stressed that implementation of Plan 2014 would break a 50 year contract that existed between the federal government and the counties, communities, residents and business owners along the south shore of Lake Ontario. Increased flooding and damage to the shoreline would ultimately create economic losses that would be a disaster for local communities. Implementing such a plan would be reckless. I am working with Senator Michael Nozzolio and local supervisors and mayors to do all we can to stop this plan from being implemented.

Senator Nozzolio indicated "the sustained high levels of water called for in PLAN 2014 will result in drastically increased erosion damage to the shoreline. It will create problems in our local water and sewage treatment plants and damage our roads and highways, thus forcing town and county taxpayers to assume additional tax burden. The policy changes suggested during periods of high water could also submerge the main business and

recreation districts in low lying communities like the Village of Sodus Point and other towns and villages along the Lake Ontario shoreline."

The proposed regulations would allow water levels in Lake Ontario to consistently fluctuate outside the parameters that have been in place for more than 50 years, causing the loss of shoreline, erosion damage to property and flooding in lakefront areas of Wayne, Cayuga and Oswego counties and all of the south shore. PLAN 2014 is slightly revised version of the IJC's BV7 Plan, which was widely criticized by lakefront homeowners, businesses and municipalities.

What is the International Joint Commission? The IJC is guided by the Boundary Waters Treaty, agreed to and signed by the United States and Canada in 1909. The commission is comprised of three members from each country. The commission's two main responsibilities are to: 1) regulate shared water uses of the Great Lakes and other shared water bodies; and 2) investigate transboundary issues and recommend solutions. The IJC has been conducting a study of Lake Ontario and the surrounding area for 14 years. They have stated that Plan 2014 is the "preferred option" for Lake Ontario.

In an era when emergency efforts have been required from New York State and the federal government in response to epic storms hitting our state, why would the International Joint Commission recommend a policy that will assure cataclysmic damage along the south shore of Lake Ontario? The impetus for a change in the water level plan has been driven by environmental concerns that are hopeful of improving the health of the lake. They would like to return to the pre-1958 natural high and low water levels that preceded the building of the St. Lawrence Seaway and Moses Saunders Power Dam at Messena, N.Y. Though a laudable goal, the IJC plan does not assure the environmental goals will be achieved and at the same time, does assure there will be significant damage and destruction to lakefront residences, businesses and adjacent property. The IJC plan estimates there will be an average of \$2.2 million in damage per year. However, most people believe that is a gross underestimation which does not include the loss of business or any damage that will be incurred along shorelines of the bays and inlets off Lake Ontario.

Recent research by Wayne County shows that the economic impact would not just be to the lake or bayside communities -- it would extend to all areas of the county. The total value of the Lake Ontario lakefront properties is more than \$405 million or 8.7 percent of the total taxable real property value in Wayne County. When these properties are subject to higher water levels under the new guidelines, the likelihood of damage will be increased exponentially. Wayne County estimates Huron town taxes could increase 29.9 percent, Wolcott 11.97 percent and Sodus 10.1 percent. Subsequent declines in recreational boating and fishing are estimated to result in an a \$735,000 loss in sales tax revenue for the county. These lost revenues will mean a shift in higher property taxes to all of Wayne County communities.

Although the IJC recommends Plan 2014 as the "preferred option" for Lake Ontario, the IJC does not address mitigation for current property owners or communities along Lake Ontario. Their study alludes to an annual average cost of \$2.2 million from damage but most people believe this is a gross understatement of the actual damage that will be caused by the new plan. The study also ignores the damage that will be incurred to the properties on the shorelines of the numerous bays and inlets off Lake Ontario.

Some advocates of Plan 2014 suggest the lake environmental concerns trump those of the property owners and they have built at their own risk, much like those who continue to rebuild in the Mississippi flood plains. These lakefront property owners' situation is much different. Government policy created the current water level parameters allowed, and even encouraged property owners to build and develop within these parameters. For government to break their contract with property owners and communities after more than 50 years -- is government at its worst.

Rod Lowe of Greece, Monroe County, recently submitted an essay to the *Rochester Democrat and Chronicle* which makes some excellent points on the subject. You can read the essay by clicking [Rochester Democrat and Chronicle](#).

Senator Nozzolio and I agree a moratorium on the development of any future proposals by the IJC is needed until a thorough, objective and all inclusive analysis of the potential economic damages to tourism, recreation, business and homes along the south shore of Lake Ontario, can be undertaken. As New York State legislators representing the many communities that are directly affected by the water levels of Lake Ontario, we remain strongly opposed to the IJC's proposed plan to regulate the water levels along Lake Ontario and the St. Lawrence Seaway. We are urging the IJC and our federal representatives to scrap the current plan and start again using the

information and personal testimony from the individuals and business owners who live and work in the areas most affected by this plan.

We are urging you to contact your federal representatives and share our concern about the International Joint Commission's Lake Ontario - St. Lawrence River Plan 2014, which was recently recommended to the federal government for approval. You may send emails by clicking the links below and following the directions.

U.S.Rep. Dan Maffei  
[Email Rep. Maffei](#)

U.S. Sen. Charles Schumer  
[Email Sen. Schumer](#)

U.S. Senator Kristen Gillibrand  
[Email Sen. Gillibrand](#)

For more information about the International Joint Commission Plan and what has been written about it locally, follow these links:

[The Lakeshore News](#)

[The Syracuse Post Standard](#)

Sincerely,  
Assemblyman Robert Oaks

