

LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

Issue 36 September 17, 2014

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

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For Immediate Release:

Wednesday, September 17, 2014

BROOKS & HOFFMAN: “PLAN 2014” A RISKY DEAL FOR PROPERTY OWNERS & PUBLIC INFRASTRUCTURE

Plan poses significant threats to communities on the south shore of Lake Ontario
Monroe County Executive **Maggie Brooks** and Wayne County Board of Supervisors Chairman **Jim Hoffman** today voiced their opposition to the International Joint Commission (IJC) Plan 2014 that will change the current regulations controlling the level of Lake Ontario. Plan 2014 will be a departure from the Lake’s current 4-foot regulatory range, which has been in effect for over 50 years, and instead allow for a greater variation that could lead to significant public and private property damage.

*“Local homeowners and businesses along the south shore of Lake Ontario have invested a great deal into protecting their properties against 50 years of fairly steady lake levels,” said **Brooks**. “Under Plan 2014, higher levels could leave our lakeshore susceptible to significant flooding and increased erosion. This would almost certainly result in millions of dollars in damages to both private properties and public infrastructure, with no recourse at all for compensation.”*

The IJC estimates Plan 2014 will increase the annual cost of shoreline protection by 13% and increase annual damages by \$2.2 million. That number is considered low by many experts because it does not account for losses by local businesses and damages to bays and inlets.

*“Whatever environmental benefits may accrue to some parts of the lakeshore, Wayne County property owners on Lake Ontario and it’s embayments will suffer increased damages due to more frequent flooding and higher lake levels,” said **Hoffman**. “Plan 2014 does not provide for compensation or mitigation for property damage or economic losses. This is not in accordance with the provisions of the Boundary Waters Treaty of 1909. The decline in assessed property values will shift the burden of taxes to the other already overburdened taxpayers in Wayne County.”*

In addition to private investment, both Monroe and Wayne County own and operate significant water, sewer, road, bridge, and park infrastructure along the shoreline. The Monroe County Water Authority’s Edgemere pump station, which provides clean drinking water to over 600,000 residents, has been susceptible to high lake levels in the past and a consistent threat of high water could jeopardize our community’s water supply.

Brooks, Hoffman, Senator Joe Robach, Senator Mike Nozzolio, Assemblyman Bob Oaks, and the Republican Majority of the Monroe County Legislature have all issued official notice to Secretary of State John Kerry in opposition to Plan 2014. Both the Monroe County Legislature and Wayne County Board of Supervisors have also passed resolutions in opposition of Plan 2014.

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Monroe County Legislature

RICHARD YOLEVICH
LEGISLATOR - DISTRICT 1

July 22, 2014

The Honorable John F. Kerry
Secretary of State
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry,

The concerns of Lake Ontario are very important to the residents of Monroe County, as the elected officials who represent these constituents we also take an active interest in the issues surrounding the lake. For years the Great lakes has been a staple for residents, property owners and business owners. Within Monroe County, there is approximately 37 miles of shoreline, which is lined with homes and businesses.

Several years ago, the International Joint Commission (IJC) announced its intention to seek a water level regulation plan to address the impacts of the Moses-Saunders Power Dam hydroelectric project and resulting lake level regulation plan on wetlands adjacent to Lake Ontario and the St. Lawrence River. This proposal, named "Bv7," raised many concerns of the residents and government of Monroe County. While the IJC failed to take into consideration the concerns of the community, IJC issued a new proposal, Plan 2014.

Plan 2014, like Bv7, has the potential to cause millions of dollars in damage to property and business owners, as well as recreational boaters. Both of these plans fail to acknowledge some of the negative effects on the areas surrounding Lake Ontario including but not limited to severe damage to shoreline property and a lack of discussion about damages and resulting mitigation.

The ramification of Plan 2014 jeopardizes the homes and livelihood of the thousands of Monroe County citizens who call the shoreline of Lake Ontario their home. The safety and security of lakeshore communities should be the first and foremost priority for any plan moving forward.

The following issues this Legislative Body raised in 2013 have yet to be addressed by the International Joint Commission.

1. There will likely be significant damage to shoreline property on Lake Ontario as a result of allowing higher water levels over a prolonged period of time. There is a general feeling by lake property owners that the cost of damages has been significantly underestimated. This position is supported by the IJC's admission that it did not assess the potential damages to all public land or infrastructure on the shoreline. This is of particular concern to Monroe County, given that the County owns and operates significant water, sewage, road, bridge, and park infrastructure along the shoreline.
2. The scientific basis used by the IJC to determine the benefits to the environment that would result from the implementation of the proposed plan Bv7 has been discounted by scientists, some of whom were involved in the study undertaken in 2000-2008. Dr. Frank Sciremammano, Jr. and Dr. Daniel P. Barletta, two members of the advisory group involved in the IJC process between 2000 and 2008, released a Minority Report in 2006. This report disputed the assumptions and conclusions of the IJC's study and was signed by four additional members of the advisory group.

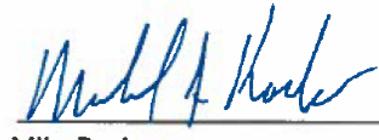
3. There has been virtually no discussion about mitigation of the damages acknowledged by the IJC. It appears that the IJC expects shoreline property owners and recreational boaters to bear the costs associated with implementation of Plan 2014. There has also been no discussion of funding mechanisms to assist these stakeholders in covering the costs of damages which are in some cases, such as damage to shoreline, direct and documented costs. To the extent that proposed Plan 2014 is expected to result in increased damages to private and public properties, the IJC or IJC working group should provide Monroe County with an accounting of resulting needs and expected losses within the community, and identify the mechanism(s) that the IJC will implement to fund protective actions and damage reparations, and address other consequences, before any change is made to the operating plan.

4. The IJC proposes modifying the operations and authority of the International St. Lawrence River Board of Control by curtailing the Board's ability to respond to high and low water conditions on Lake Ontario. The IJC has indicated that computer modeling will be used to dictate the management strategies based on the criteria proposed in Plan 2014, thereby reducing the need for the Board's deviations from the regulation plan. Shoreline and near shore properties may be impacted by any change to the decision making process and current performance of the Board of Control of the IJC, a significant concern given that substantial investment in shoreline and near-shore real property has arguably been made based on the demonstrated lake level management capabilities of the Board of Control since the 1960s.

Therefore, we ask that you reject the adoption and implementation of Plan 2014, and urge the IJC to reconsider the proposal for the benefit of the community and take into careful consideration the points we have raised before it develops another subsequent new lake level regulation plan.

Respectfully Submitted,


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