

# **LEVELER**

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

***Issue 6                      March, 2012***

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

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## **Questions???**

In this issue of the LEVELER, we will discuss and list many of the questions and issues that have arisen since BV7 has been made public.

The International Joint Commission (IJC) has stated that BV7 is a modification of Plan B+. Plan B+ was a product of the former Lake Ontario-St. Lawrence River Study (LOSL)(2000-2005). After that study, the IJC stated that plan B+ was too radical to be implemented at that time, due to the amount of damage that it would produce and the need for mitigation.

What has changed now that the Commission is going forward with public meetings, when the same problems exist as they did then, but this time now the damages are worse?

We have been told that the IJC Working Group is still working on the mitigation and deviation concerns. They plan on holding public meetings, but even now still do not have answers to the same questions!

Why have meetings to regurgitate old information or slightly changed but even worse information?

Is this current process just a show? Have they already made up their minds and are just going through motions to show that they have consulted the public? One aspect to suggest this is that the deadline for public comment following the round of meetings in June 2012 is not even one week later. During the LOSL study, the deadline was a minimum of 30 days after the last public meeting.

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In previous LEVELER issues, we stated that we would be reviewing the documents that the IJC Working Group used to support this radical plan. Here are our questions and related details:

### **Coastal -**

Why was first-floor flooding reviewed and damages calculated, and yet homes with basements were missed?

Why was flooding to marinas and other municipal/industrial structures overlooked?

Why were accessory building damages not included as part of overall damage impacts?

Why was wave damage to homes not evaluated properly?

How did they miss so many homes?

### **Details:**

**Flooding Performance Indicator:Methodology and Shared Vision Model, Baird & Associates, 2005.**

The first major item not addressed in this document is the effect on houses that have basements.

Although FEMA and local building ordinances presently do not allow basements, many homes on the lake

were built before these regulations went into effect or even before the St. Lawrence dams and seaway projects were built. No survey including houses with basements was made during the LOSL study. After water gets over protective (breakwall) structures, it could create hydrostatic pressure which could cause the basement walls to fail, causing damage to contents or structures or both.

A second omission is demonstrated as follows: (Page 10) **"There may be further flooding damages to marinas and municipal/industrial infrastructure; however other Technical Working Groups (TWG) represent those interests."** The problem with this statement is that other TWGs did not do assessments!

A third omission:

**"Although there may be impacts to garden sheds, greenhouses, docks, etc. the damages are far less significant, and data regarding the economic value of such structures is non-existent."** These accessory buildings, which also include detached garages (obviously not evaluated), do have significance to the home owner, and the local tax assessor puts a value on them for property tax purposes. To neglect to evaluate these structures is another error.

A fourth omission, **about Wave damage** (Page 12) **"A structure may be damaged by waves striking the exterior sides of the structure. This is only possible when the lake level is above the land elevation surrounding the building."** Apparently the Baird group used a FEMA guideline that stated that wave damage can only occur once the surrounding land is inundated with water. As residents who live on the lake, we know from experience that wave damage can occur without land flooding. In its methodology, the Baird group has underestimated the amount of damage to waterfront homes.

A fifth omission is in the **Number of Homes** reported in the flood zone by Baird. The group's paper states there are less than 1100 homes in the flood zone in all of Monroe County. The Town of Greece has determined that there are 974 in the Town of Greece alone!

### Muskrats -

One of the premises for this radical change is the improvement in the Lake and River environment. An indicator of this improvement was the production of muskrats. This production was used as an indicator of performance for comparison between plans. What was not considered, however, was the effect of a "no bag limit" by hunters of this animal in New York State. Is the decrease in muskrat population due to water levels or overhunting?

### Details-

<http://www.youtube.com/watch?v=KB6TeN12D5c&context=C3359429AD0EgsToPDskIR9k64nPqg8DvNO8T7Rj0N>

### Wetlands -

Is BV7 about restoring the wetlands of Lake Ontario or the creation of new wetlands?

Will increasing water levels with more frequency and duration, as well as earlier in the year, promote the spread of the invasive form of cattails?

The chief wetland scientist for the LOSL study stated at a LOSL public meeting in Oswego that he felt that the current high end of the current operating range was sufficient, but that the lows were insufficient. Papers written by the LOSL chief wetland scientist lead us to believe that this may be the case.

We are aware of two other groups that have stated that the current plan of operation is a better choice.

### Details:

Douglas A. Wilcox, *et al.*, "Cattail Invasion of Sedge/Grass Meadows in Lake Ontario Photointerpretation Analysis of Sixteen Wetlands over Five Decades", J. Great Lake Research 34:301-323.

Douglas A. Wilcox and Yichon Wie, "Predicted Effects of Proposed Regulation Plans on Sedge/Grass Meadows of Lake Ontario", J. Great Lake Research 34:745 abstract.

Douglas A. Wilcox and S.Jerrine Nichols, "The Effects of Water-Level Fluctuation on Vegetation in a Lake Huron Wetland", Wetlands, Vol. 28 #2, June 2001, p 499.

“LOSL environmental studies primarily looked at wetlands and ignored or lightly treated other important habitats, especially shallow shoreline habitats.” The more comprehensive estimates by Cornell researchers indicated that these habitats would be negatively impacted by Plan B and BV7 (since BV7 is based on B). “Plan 58DD was the best approach overall for the environment moving forward. Plan 58DD tends to favor birds, fish nesting and early survival, and wetlands. The water management plan that emerged from application experience in the last half century, Plan 1958DD, appears to be a good choice for maintaining most environmental resources and harming few.”<sup>1</sup>

1. The average lake level post-regulation has been higher throughout the year than the average pre-project. The peak average occurs at a higher level earlier in the year.<sup>2</sup>
2. The Lake has had a higher average yearly fluctuation post-project (70 cm) than pre-project (60 cm).<sup>3</sup>
3. Water rise during the spring breeding is higher during post-project than pre-project<sup>4</sup>
4. The water range level over the entire water cycle range is only 12 cm (4.75”) less post-project than pre-project.<sup>5</sup>
5. The pre-project had lower lows than post-project. This is a reason for loss of meadow marsh.<sup>6</sup>

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## Photos of Damages from February 24-25 Storm

### Dunes



Last night on 2/25/2012 was the worst erosion since 1993. Picture attached is from early February gale. The 50-foot-high dunes are falling into the lake. There is no shore ice this year to protect the dunes from the winter gales. These dune barriers protect some of the best wetlands in the Great Lakes. We are worried about this spring, but more about BV7.

### Sodus Bay Park



Sodus Point Park parking lot after storm February 25, 2012. Damage to public facilities not accounted for in BV7 damages

**Notation to a previous published graph in a previous newsletter:**

In an earlier issue, we published a chart obtained from the IJC that showed no damage for Wayne County Developed but unprotected properties. We have heard from the IJC that they did account for the damages but had left those damages off the chart.

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<sup>1</sup> Bain, Singkran, Mills, "Integrated Ecosystem Assessment: Lake Ontario Water Management", PLoS ONE www.plosne.org, Nov 2008, Vol. 3, Issue 11, e3806 page 11

<sup>2</sup> Tys Theysmejer, "Environmental Consideration Lake Ontario Water Regulation as it pertains to the coastal marsh Cootes Paradise", Royal Botanical Gardens, Burlington, Ontario

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Douglas A. Wilcox, *et al.*, "Cattail Invasion of Sedge/Grass Meadows in Lake Ontario Photointerpretation Analysis of Sixteen Wetlands over Five Decades", J. Great Lake Research 34:301-323

## **Keep Your Eye On The Current Water Levels!!!!**

**We Could Be In For Another Property Damaging Spring!  
Come On IJC....What Would This Level Be Under Plan BV7???**

<b>Week ending February 29, 2012</b>	<b>245.96 ft</b>
<b>Average for this time of year</b>	<b>244.82ft</b>
<b>Difference</b>	<b>13.7 inches (ABOVE LONG TERM AVERAGE)</b>