

LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

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

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Treaty Violation

The Village of Sodus Point, New York, is presently under siege due to rising Lake Ontario water levels caused by Plan 2014. In talking with the Mayor of Sodus Point, LORA has learned that the Village has received an estimate to protect its sanitary water system in the range of \$110,000.00.

In the International Joint Commission enacting document, the Boundary Waters Treaty of 1909 between The United States and Canada, Article VIII states that there is an Order Of Precedence, requiring that domestic and sanitary uses of water be addressed before all other interests.

Furthermore, the Treaty states that if there are damages, the IJC must protect and indemnify the interest affected. In other words, they have to mitigate the damages.

This issue of water uses, whether domestic, municipal or otherwise, was supposed to be looked at during the Lake Ontario St. Lawrence River Study (the Study) by one of the technical working groups (TWG) associated with the Study.

As LORA has been saying for many years, the Study's findings were based on outdated, inaccurate and missing data. The current situation in Sodus Point is just another example that the data behind Pan 2014 is erroneous. Additionally, the City of Montreal has a drinking water intake that could be affected by Plan 2014 during low-water periods. The estimate to relocate this intake is approximately \$2 million dollars. Recently LORA also has learned that the sewage treatment plant in Newfane, NY is approaching its limits.

The TWG stated that there would be no cost regardless of any regulation plan selected.

Countering IJC Spin

In various media outlets, the IJC is stating that Plan 2014 is not the cause of our current lake-level problem. This is PR spin to try and take the IJC off the hook for the damages being incurred.

The truth that is Plan 2014 took away the ability of the Board of Control to deviate, which it otherwise could have done in early March when the lake was already a foot above average and the Ottawa River was not an issue. Additionally, Plan 2014 calls for protection of the Lower River in the Province of Quebec at the expense of the Lake. When Lake St. Louis approached flood stage, IJC added water to Lake Ontario.

Update on Plan 2014 Effects on the South Shore

In addition to the situation occurring now in Sodus Point, New York, LORA continues to receive reports of damages along the south shore of Lake Ontario. In one of the reports, there is now one house in Wayne County that is about to be taken into the lake. Nine other houses in Wayne County are approaching similar damages. The assessed value on these homes is in the range of \$2-3 hundred thousand dollars. If these houses are lost, there will be a hit on the tax rolls in that town and county. Some towns in Wayne County rely on the lakeshore homes for up to 30% of their tax receipts.

Wayne and Niagara Counties have recently issued states of emergency for the shoreline, whether lake, ponds or bays. Boat travel is restricted to speeds that produce no wake.

Plan 2014: Cause of Ecosystem Damage

When Plan 2014 was introduced, it was touted as a way to renew the Lake ecosystem. Thus far, we have seen breaching of Sodus Bay and Port Bay, starting the process of turning these bays into lakefront. LORA has recently been alerted to a possible breach in the East Bay spit and is awaiting photos of that breach.

Will these and other bays protected by barrier beaches become part of the lake, as Braddock Bay did following Hurricane Agnes in 1973? Or will millions of dollars have to be spent, as in Braddock Bay (\$6 million), to protect these other endangered locations?

Current Lake Level

The Lake is now at 247.41 feet.

The average for this time of year is 245.70.

**The lake is 20.5 inches above average
and 2.75 inches higher than last week.**

(As reported International Lake Ontario - St. Lawrence River Board Week ending 4/19/17)

LORA Demands Action

LORA calls for a number of actions:

- 1) Immediate resignation of the U.S. IJC Commissioners
 - 2) Return to Plan 58DD, which will restore human control to the regulation plan, rather than some computer program somewhere between Ottawa, Canada, and Washington, DC.
 - 3) Allowing an expedited shore protection process from the New York Department of Environmental Conservation and the U.S. Army Corps of Engineers, which would enable property owners to obtain permits in 48 hours.
 - 4) Allowing unprecedented outflows to take place on the St. Lawrence River.
 - 5) Invoking Criterion K of Plan 58DD.
 - 6) Restricting shipping due to high flow rates.
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As always, the LORA website has all past newsletters posted at:

<http://www.loranet.org/> and <http://www.loranet.org/levelerarchive/pastissues.htm>

<https://www.facebook.com/LORANET.ORG/>