



# OFFICE OF THE COUNTY EXECUTIVE MONROE COUNTY LEGISLATURE

**Maggie Brooks**  
County Executive

**Richard Yolevich**  
Legislator - District 1

**Rick Antelli**  
Legislator

June 11, 2012

To the Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

**Subject: Opposition to Plan Bv7 by the International Joint Commission**

<b>OFFICIAL FILE COPY</b>
No. <u>120195</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
Memorializing Referral -L

Honorable Legislators:

Lake Ontario is an important part of the community, especially to those who live along the shoreline. For years, the Great Lake has been a staple for residents, property owners and business owners.

Recently, 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. In 2000, the IJC undertook a \$20 million, five year project to review the current regulation plan with the goal of improving the plan to benefit other interests besides hydropower and commercial navigation. Subsequently, the IJC released proposed plan 2007 B+ in 2008. This proposed plan was met with significant criticism from many sectors and, in response, the IJC rescinded it. In 2008, the IJC appointed a working group to develop a new lake level regulation plan. This working group has now started to release information related to a new proposed regulation plan, "Bv7."

Although all of the details of the new proposed plan Bv7 have not been released, the IJC has presented some information related to the impacts of the new proposal, which allows for more extended periods of high water levels and low water levels, and an increase in the long-term average water level for Lake Ontario. Based on the limited detail that is currently available, we must oppose the proposed new regulation plan Bv7 due to several significant issues of concern that warrant the IJC's additional attention and further explanation.

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 riparian 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 is 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 Bv7. 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 Bv7 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 Bv7, 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.

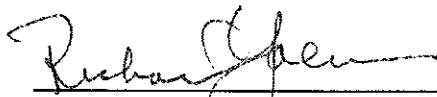
Therefore, we ask that you join us in memorializing the IJC to reject the adoption and implementation of proposed plan Bv7, and urge the IJC to reconsider Plan Bv7 for the benefit of the community and take into careful consideration the points we have raised before it develops any subsequent new lake level regulation plan.

This action will have no impact on the current Monroe County Budget.

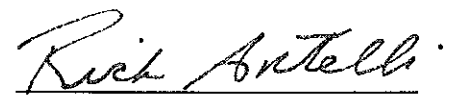
Respectfully Submitted,



Maggie Brooks  
County Executive



Richard Yolevich  
District-1



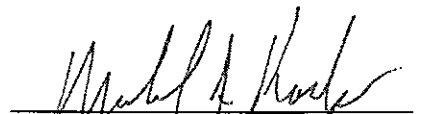
Rick Antelli  
District- 7



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