

June 14, 2012

RESOLUTION OPPOSING PROPOSED BV7 PLAN

By Legislator Louella LeClair:

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation (1958DD) that controls water levels of Lake Ontario; and

WHEREAS, the stated purpose of the new plan, known as BV7, is to reverse environmental damage caused by the current regulation plan (55D), particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh; and

WHEREAS, the IJC's analysis of environmental performance indicators comparing unregulated lake levels to plans 1958DD and Bv7 indicate positive benefits from Bv7 for sensitive environments along Lake Ontario; and

WHEREAS, the IJC's analysis of economic performance indicators comparing unregulated lake levels to plans 1958DD and Bv7 indicate many negative economic impacts resulting from Bv7 for Lake Ontario in the areas of shore protection maintenance, erosion, flooding, commercial navigation and recreational boating; and

WHEREAS, the Oswego County Environmental Management Council has expressed support for Bv7 along with issues of concern, but the Oswego County Tourism Advisory Council's analysis is pending; and

WHEREAS, BV7 will increase the current range of water levels that private and public riparian property owners relied on for the last 50 years; and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of high and low water, significantly increasing the potential for damages to Lake Ontario riparians and negatively impacting sport fishing and recreational boating economics across the entire region, and

WHEREAS, BV7 removes all protections that exist in the current plan, replacing them with a plan that benefits hydropower and below dam/lower river entities, and

WHEREAS, Oswego County residents who own property or businesses along the Lake Ontario shore, including its bays, tributaries and ponds, have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties, and a corresponding decrease in revenues from recreational boaters and fishermen, both locally-based and those traveling internationally; and

WHEREAS, Oswego County residents who are concerned about, and some who have expertise in, the natural environment have expressed their support for Bv7, citing its anticipated benefits to wetlands, dunes, and the species that rely on shoreline habitats; and

WHEREAS, as the owner and operator of Camp Hollis, a residential children's camp located along the shores of Lake Ontario in the Town of Oswego, Oswego County is keenly aware of the erosion problems and resulting financial costs faced by lakefront property owners; and

WHEREAS, Oswego County residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home not only of environmentally sensitive and unique areas, but also for some of the best sport fishing, pleasure sailing and power-boating in the world; and

WHEREAS, modifying the current range of operation by BV7 further hinders boating access and when combined with the protracted absence of federal funding for maintenance dredging of our federal shallow draft harbors, will cause significant and measurable negative financial impacts to the local and regional economy; and

WHEREAS, the IJC has not specified revised "Orders of Approval" nor the makeup and operation of a plan-implementing body that will succeed the current St. Lawrence River Board of Control, necessary in order for the public to give informed feedback; and

WHEREAS, the IJC has not made public how it intends to use "Adaptive Management" to fine tune the plan and, further, any such process should be based on real data gathering and analysis of benefits/impacts on the various performance indicators on a regular basis; and

WHEREAS, the plan includes no provision for compensating landowners for any damage to their property due to implementation of Plan BV7; now, therefore, be it

RESOLVED, the Oswego County Legislature respectfully requests that the International Joint Commission reject the Bv7 plan; and be it further

RESOLVED, that the IJC immediately enact a moratorium on the development of any further proposals to modify the range of water levels on Lake Ontario until the completion of a thorough, objective and all inclusive analysis of the potential economic damages on tourism, recreation, business and residences along the south shore of Lake Ontario (including properties located along harbors, rivers and streams) with a specific section dedicated to the thorough evaluation of damages in Oswego County; and be it further

RESOLVED, that as part of this study, Oswego County recommends the Commission also assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions; and be it further

RESOLVED, that this study must also evaluate the environmental impacts of repeated flooding of the built environment, to include the identification of the constituents of

point and non-point source runoff and the impacts of sediment and nutrient loading on the quality of water in the impacted areas; and be it further

RESOLVED, that this study must identify an accountable process and financial resources for compensating landowners for any damage to their property due to implementation of any IJC water level management plan, including financial support for dredging of the Oswego Harbor and Sandy Pond; and be it further

RESOLVED, that this study must also, for any subsequent plan, clearly identify and describe the makeup and operation of a plan-implementing body and “adaptive management” processes and authorities, and be it further

RESOLVED, that the Oswego County Legislature respectfully requests a formal response to this resolution by the International Joint Commission at their earliest convenience; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, the New York Department of State, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman William Owens, Governor Andrew M. Cuomo, Senate Environmental Conservation Committee Chairman Mark Grisanti, Assembly Environmental Conservation Committee Chairman Robert Sweeney, U.S. EPS Region II Administrator Judith Enck, New York State Senator Patty Ritchie, and Members of Assembly William Barclay, Kenneth Blankenbush, Robert Oaks, and Claudia Tenney.

ROLL CALL

YES: _____ NO: _____ ABSENT: _____