

**Board of Supervisors**  
**WAYNE COUNTY**

**RESOLUTION NO. 256-12: WAYNE COUNTY BOARD OF SUPERVISORS REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED BV7 PLAN IN ITS ENTIRETY**

Mr. Spickerman presented the following:

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation plan (58DD) 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, 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, according to a peer reviewed report conducted by the National Academy of Sciences, the potential environmental benefits of the BV7 Plan are based upon faulty research methods; 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 (estimated at over \$3.1 million per year) and negatively impacting sport fishing and recreational boating economics across the entire region (estimated at over \$30 million per year); and

WHEREAS, BV7 removes all protections that exist in the current plan, replacing them with a plan that basically transfers prosperity from Wayne County to Hydropower (NYPS) and Commercial Navigation entities who will realize a benefit of approximately \$6 million per year on average, and

WHEREAS, Wayne 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, Wayne County residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home for some of the best sport fishing, pleasure sailing and power-boating in the world; and

WHEREAS, modifying the current range of operation by Plan 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; now, therefore, be it

RESOLVED, the Wayne County Board of Supervisors does herewith respectfully request that the International Joint Commission *reject* in its entirety all current plans for the implementation of the BV7 Project; and be it further

RESOLVED, that the IJC immediately enact a moratorium on the development of any future 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 Wayne County where impacts have been identified as the most acute; and be it further

RESOLVED, that as part of this study, Wayne 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 the Wayne County Board of Supervisors respectfully requests a formal response to this resolution by the International Joint Commission at their earliest convenience; and be it further

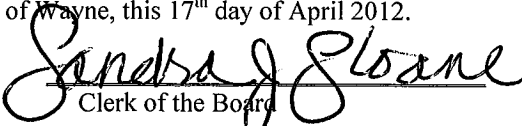
RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, the New York Department of State, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congresswoman Louise Slaughter, Governor Andrew M. Cuomo, Senate Environmental Conservation Committee Chairman Mark Grisanti, Assembly Environmental Conservation Committee Chairman Robert Sweeney, U.S. EPA Region II Administrator Judith Enck, and all others deemed necessary and proper.

Mr. Kelsch moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

WAYNE COUNTY  
**Board of Supervisors**  
LYONS, NEW YORK

**This is to Certify** that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 17<sup>th</sup> day of April 2012 and that the same is a true copy of said original and of the whole thereof.

**In Witness Whereof**, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 17<sup>th</sup> day of April 2012.

  
Clerk of the Board