



**Teleconference Meeting
International Joint Commission, Canadian Section - LOSL Hearing
Proposal for Lake Ontario St. Lawrence River Regulation
August 27, 2013**

Operator: *Good evening ladies and gentlemen. Welcome to the proposal for Lake Ontario/St. Lawrence River Regulation Conference Call. I would now like to turn the meeting over to Ms. Lana Pollack. Please go ahead.*

Lana Pollack: Thank you and good evening. Thank you for joining us. I'm Lana Pollack; I'm a Commissioner of the International Joint Commission and the Chair of the U.S. Section of that Commission. There are 6 Commissioners; 3 Canadian and 3 U.S. Commissioners appointed to prevent and resolve disputes regarding the waters that flow across our joint border, not just in the Great Lakes and St. Lawrence but all the way from the Atlantic to the Pacific and along the Yukon and Alaska border as well.

I'm joined today by other Commissioners: Dereth Glance, Richard Moy, Canadian Chair Joe Comuzzi and Canadian Commissioners Gordon Walker and Benoît Bouchard. I'd like to thank everybody for participating and give just about a 3 minute introduction of what the project is and then it's your turn. We're really here to listen and hear your opinions, your concerns, your information, your wisdom. So we'll get to that very shortly.

This is for focussing on the proposal for managing water levels and flows in Lake Ontario and the St. Lawrence River. We have two concerns: we want to continue the focus on the economic health of the communities and all the different interests that are dependent on these waters, and also on the ecological health of Lake Ontario and the Upper St. Lawrence River. The IJC was established by the Boundary Waters Treaty between the two countries in 1909, as I said to help collaboratively manage the waters that we share. In the 1950's the IJC approved construction of the International Hydro Power Project located in the St. Lawrence River at Cornwall, Ontario and Massena, New York. When it approved the project the IJC ensures that the terms of the Treaty are fulfilled. We have certain requirements that we are not a liberty to ignore. Some of those requirements include ensuring an Order of Priority for water uses is followed and that all interests in both countries are protected from injury that might be caused by the Project.

The governments of the United States and Canada, who were the applicants for that project in the 50's, asked us if we could, after due consideration would be given to all the interests that I mentioned, shipping, hydro power, etc but they asked us if we could reduce what would normally be the highs and lows – the range of levels on Lake Ontario. The IJC took that recommendation to heart and we did indeed create a system of regulation that attempts as much as possible to flatten in a sense the highs and lows of what would normally be the case under natural conditions in Lake Ontario.

Now the question before IJC is how we're to meet our continuing responsibilities under the Treaty in the light of changed conditions and improvements in knowledge that have occurred since the 50's including of course concerns and knowledge about the ecology and environment.

Although water levels and flows are primarily determined by precipitation, snow pack and storms, water flow management has provided substantial benefits to the region. These include: reduced flooding over what would have been if the Dam were not there and the controls were not regulated as they are, and there's reduced erosion from what would have been the natural conditions along Lake Ontario. Reduced flooding downstream and also, the current Plan has provided more favorable conditions on the Lake and River for water intakes, recreational boating, commercial navigation and hydroelectric power. However, extensive research shows that the policies that we implemented in the 50's have restricted the levels to the extent that they degraded the coastal wetlands on Lake Ontario and the Upper St. Lawrence River. This degradation impacts the health of native plants, fish, birds, other animals, and it too of course through that degradation has an economic impact, the environment and the economies being very closely linked to each other.

In light of these findings, the IJC is now proposing to manage water levels with fewer environmental impacts on Lake Ontario and the Upper St. Lawrence. The proposal before us would continue to reduce extreme high and low water levels, would allow somewhat more natural water level patterns on Lake Ontario, and would retain some benefits downstream. This is expected to result in a modest reduction in shoreline protection while improving wetland health on Lake Ontario and the Upper St. Lawrence River on a scale larger than any previous restoration actions taken to date.

And after fully considering all the comments that we receive, and this is what this call tonight is about, the other Commissioners and I will make recommendations to the governments of Canada and the United States. The 2 governments are the signatories of the Boundary Waters Treaty, and we will seek their concurrence before implementing any changes to the current Order and Regulation Plan.

We are coming close to the public comment period, but up until now we've already had 12 hearings and another successful phone hearing, as well as the 12 in person hearings around

the basin. We're looking forward to reading the comments that have come in, and will come in, in writing. We will do that before we have our final considerations, and of course the hearings from you tonight.

It's hard for me to know how many people want to speak tonight so from time to time I'm going to call upon the operator, ask for her assistance, because she has her readout of how many people are standing in line to speak. In order to speak, press *1 on your phone; that will put you in the queue to speak and you'll be called upon in the order the operator has seen your phone indicate your interest.

We're going to ask that you limit your comments to 3 minutes, especially until we get a handle on how many people want to speak. There's not going to be a lot of back and forth, this is a hearing as opposed to a dialogue. But believe me, we will be listening. If you have questions we will be noting them, and you can also reach us on our website at www.IJC.org and leave messages there as well.

So let's begin. I'm going to call on our operator to see that I've given instructions correctly and see if you have anything to add Jade.

Operator: Thank you. We will now take your comments from the telephone lines. If you're using a speaker phone please lift your handset before making your selection. If you have a question or comment, please press * 1 on your telephone keypad. If at any time you wish to cancel, please press the # sign. Please press * 1 at this time. There will be a brief pause while participants register. Thank you for your patience.

The first question or comment is from Maxine Applebee from New York. Please go ahead.

Maxine Applebee: Hi Commissioner Pollack, thanks for taking my comments. I just want to comment about this whole process. I think it's terrible the way, and I don't know who's at fault here, but the way the stakeholders are, I don't know how to say... there's such a divide between the stakeholder groups and I think we've kind of lost sight of what the goal is here. Everybody's pointing fingers at each other and all of a sudden I'm a bad person for living in a low lying area because I don't think this Plan is, you know, I'm opposed to the Plan. I think we need to get beyond that. And I don't know if it's a problem with the way the IJC reaches out to the stakeholder groups but I got to tell you it's hurting a lot of people. We are all caring. We have very small communities. We certainly don't want to live in fear. But most important, we are surrounded by water. I mean we appreciate Lake Ontario, we appreciate the environment and we love the environment. And I'm very offended by a lot of the interests, you know, calling names. I don't know how in the future the IJC can approach various groups, but I would like to suggest that you really take a look at the process because I think that everybody wants to get involved and there are a lot of voices and there

are a lot of emotions, but this pitting groups against each other is not a good way for the process to work.

I am opposed to 2014. I do care about the environment, but I just know the power of water. I have witnessed in March of 2012 huge trees that fell from bluffs around the Sodus Point area; probably 60 to 100 trees, a couple of eagle nests, and I just know that erosion is natural but I think that the accelerated rate is not... I don't want to say it's not worth it, but I don't think that it is....I don't want to see one part of the environment deteriorated for the other. I would like to see the IJC try to come up with some other solutions to the St. Lawrence because it does need help. But I don't think that this is the way that we're going to be able to get the job done.

So thanks for taking my comments. I greatly appreciate you guys doing this but I would like you to kind of sit back a little bit and go "hey, all of the sudden we've created these people who are against the environment", and we're not. We all love it.

Lana Pollack: You've spoken very well and very clearly and very much to your point. All I can do is say thank you very much....

Maxine Applebee: You're welcome.

Lana Pollack: ...For expressing yourself so respectfully in a situation that is, as you have pointed out, fraught with emotion to say the least. So thank you Ms. Applebee, thank you so much.

Operator: Thank you. The next comment is from Jack Steinkamp from Sodus Point. Please go ahead.

Jack Steinkamp: Hi Lana and the rest of the Commissioners. I appreciate the chance to again make a couple of comments.

Lana Pollack: Good evening.

Jack Steinkamp: I would like to say, actually along with what Maxine said, the IJC and others that believe that there is some huge widespread support for this Plan can't ignore the 19 counties on the South Shore that represent about 4 million people that have come out with resolutions or endorsed resolutions against this Plan. We just simply can't have water levels as high as these triggers without having some damage. We do want better water quality, we do want better lakeshore environment, but we can't have the flash erosion and the flooding that occurs with water levels as high as those triggers.

I encourage the IJC to come up with some other Plan that's some sort of a compromise between the interests. I think that everybody's got some valid points. We certainly want better water quality than we do want higher of lower dirty water, but we just can't take

more water here. The South Shore will be devastated and the \$4 billion dollar worth of property will be devalued, and there's a big concern for our communities; you could bankrupt my village. So again thank you for letting me comment and please think of another solution.

Lana Pollack: And thank you very much Mr. Steinkamp. We very much appreciate your continued interest and your courteous way of presenting your thoughts this evening. So thanks a lot.

Operator: Thank you. The next question is from J. Ross from Rochester. Please go ahead.

J. Ross: I live in Rochester but I have a cottage on Sodus Bay, so I am a shore dweller.

I am really so tired of coming to these hearings over this Plan and that Plan, then the former Plan and the Plan before that. It seems like it's been going on for I don't know, you probably know, many years. And this Plan seems to me to be the best so far. I hope that inevitably there's going to be a lot of yelling because there has been every time, but previously the yelling has caused you all to go back to the drawing board again. I hope this time you just finally implement it, because every time you go back to the drawing board, we have another year of dry meadows and you know all the things that would be helped if you could do this. Thank you.

Lana Pollack: Thank you very much Ms. Ross, we appreciate your call this evening.

Operator: Thank you. The next comment is from Murray Clamen in Ottawa. Please go ahead.

Murray Clamen: Good evening Commissioners and IJC advisors. I want to thank you for the opportunity to address you this evening. Strangely, I also want to thank you for the July 24th technical difficulties that allowed me to rethink the statement I was going to give on one important aspect which I will note in my closing remarks.

I'm making this statement as a past secretary of the Canadian Section of the IJC, past engineering advisor, current adjunct professor at McGill University and a committed IJC watcher and devotee. I regret not being able to attend any of the public hearings due to previous personal commitments. However, I want to assure all of you that I have followed this file with tremendous interest since my retirement in March 2011 and indeed refer to it often in a course that I teach. As an employee of the Commission for 34 years, I firmly believe that there is no activity more important for the Commission than the regulation of Lake Ontario/St. Lawrence River water levels and flows.

Since entrusted with that awesome responsibility through the application by governments roughly 60 years ago, the IJC has in my view succeeded in this most difficult and complex

undertaking. I was at the IJC during periods of high water, during periods of low water and during periods of average water levels. I sat through numerous public sessions, hearings, meetings with politicians and other forums listening to all manners of stakeholders; both complain to and praise the IJC. Through it all I believe there are some universal truths which I would like to pass on this evening.

First, you are at an historic moment in IJC history. Commissioners since the mid-1980's have struggled to find the right combination of science and politics to enact needed changes in the regulation of the system. Until now, no proposal met the needs of almost all of the key stakeholders and governments. Your proposed new Order in Plan 2014 does that, and therefore I urge you to adopt them as soon as possible.

Second, one stakeholder group you have heard will not support Plan 2014 and you're hearing it again tonight, is riparians who live on the South Shore of Lake Ontario. Ever since regulation began in the 1960's, they have been complaining that the IJC and the power Dam at Cornwall/Massena have made their situation worse. The data and information that is available proves them wrong. With regulation the range of stage on Lake Ontario has been reduced. Hence, shoreline damage potential has declined. Even though Plan 2014 may increase their flooding damage risk slightly above that with Plan 1958D with deviation, residents will still enjoy benefits over what they would have with no regulation whatsoever. At one time I thought it would be cheaper and faster to expropriate all the vulnerable properties there, but of course that did not happen due to cost and politics. While you may sympathize with these riparian concerns, you must override them and approve your new Order and Plan.

Third, the Lake and River environment has been negatively impacted by regulation and reduced range of stage on Lake Ontario. The IJC did not know this when regulation began, but it is known now and must be reversed. Every week that flows out of Lake Ontario is set by the current process under the current Order and Plan. Ecosystem values are declining. The best and only way to address this impact that I know of and that is available to this Commission is through your proposed Order and Plan 2014.

Fourth is uncertainty: The adaptive management Plan, while not perfect can be one of the most important new and unique features to deal with obvious uncertainties. I urge you to begin implementation as soon as possible. Perhaps even while you await government concurrence so the system can start showing us humans the things we need to know if we are ever going to adapt and learn. Someone once said "the best is the enemy of the good." I suspect that what you have now is good, so you should start. Cost is likely an issue, but the amounts in my view are in my view trivial compared to the benefits of keeping this important regulation activity out of the houses of Parliament and Congress and in the IJC

where disputes and regulation decisions will continue to be prevented and resolved with relatively minimal fuss.

Fifth is the downstream jurisdiction, in this case Quebec. As best as I could determine over the years, Quebec has always been a cautious partner in the regulation of Lake Ontario and the St. Lawrence River. Because during times of high water, they may have to receive even more flow from upstream and during times of low levels they may have to request additional water when others may not be willing to provide it. Further, they are not really gaining any benefits from the new IJC proposal. However they are at least not losing. I recall as an engineering advisor doing some calculations that showed that Quebec has been a net beneficiary of regulation over the years, although that report remained internal. If Quebec is I now understand not unhappy with the current proposal then that is likely as good as you're going to get so I would run with it.

Sixth, time is of the essence. Your new approach has been the product of literally 30 years of ongoing and progressively more serious and detailed investigation by the IJC. I believe the time is right and you must move as soon as possible. You should instruct your advisors to summarize all comments received, present a briefing package in time for consideration and decision at your October semi-annual meeting. Several weeks before the meeting you should put governments on notice that you formally intend to seek their concurrence as soon as possible and that there should be minimal delay in receiving it, because all relevant levels of government have been part of this process for a long, long while. I believe a target of January 1st, 2014 is not unreasonable for implementation of a new Order that should be signed at your upcoming December executive meeting.

Finally and possibly the most difficult decision I hope you do not have to make concerns concurrence from governments. This is an issue I was not planning to raise on your July 24th teleconference but decided to do so tonight. That April 15th, 1999 letter to governments which I co-signed on behalf of Commissioners stipulated amongst other matters that the IJC would not make any changes without the concurrence from governments.

You may not be aware, but this was the condition that one Commissioner, the late Frank Murphy, absolutely wanted or he would not agree to the letter at all. Commissioner Murphy believed the proposed 5-year study and its high costs were unwarranted as the system in place at the time, 1958D with Deviations, was as good as it was going to be in his view.

As I recall, most other Commissioners thought the IJC had jurisdiction, even in this case, and should use it and not seek government concurrence. In the end, all Commissioners agreed to the Murphy concurrence condition because they had to acknowledge that governments were the applicant. And from a practical point of view if governments did not

concur then they would not make experts available for a Board, not supply necessary funding and data, etc.

Well here is my suggestion: what if the governments do not concur? Or simply take a long time thinking about it? All Commissioners that have ever been asked that question seem to suggest that the Commission will have no choice but to not implement their proposals. Well I believe you have a choice. I you write the letter to governments seeking their concurrence in such a way that says you will implement the change unless you hear back, say within 60 days, with their disagreement, you can then go ahead immediately with your proposal and see what the governments do. They could either come back and say they don't concur at which time I still suggest you could go ahead without their concurrence, or they can simply not respond because they don't want to have to make, or cannot make, that decision politically or otherwise. I suggest you review the last paragraph of that April 1999 letter carefully, especially the last sentence. And also memos from previous legal advisors, Jim Chandler and Michael Wexler that I am sure are on file. You may also wish to consul the U.S. Section Secretary at the time, Dr. Gerry Galloway, who may not have the same view or even recollection as me, but who I greatly respect.

In my view the situation has changed since that April 1999 letter was written. Some Commissioners of the day were concerned that they or a future Commission would end up doing something frankly stupid to the system, and were willing to include concurrence as a hedge against that possibility. Others worried that if the IJC went ahead without concurrence it might even be the ruination of the Commission and that governments would then ignore the Commission and the Treaty for all time. Personally I doubt that would happen. After 30 years of study, detailed investigations by hundreds of experts, and the virtual concurrence of your Working Group, it is time. It is time to move forward and approve your new Order and Regulation Plan with or without concurrence as the case may be. If not already done, I suggest you get a legal opinion on this matter from your current advisors and outside experts if necessary, but approve your proposal regardless. Of course I hope concurrence comes easily and swiftly.

In conclusion, right now I wish I was still at the IJC to be part of your decision making on this important historic occasion. The next best thing would be to help you celebrate the final steps in adopting your proposed new approach for water levels and flows in Lake Ontario and the St. Lawrence River. I wish you wisdom and firmness to do the right thing.

Respectfully submitted, Dr. Murray Clamen, Ottawa, ON. Thank you very much for this opportunity.

Lana Pollack: Thank you very much for that piece of history. It's all important. We're going to move on to the next caller. I want to thank you and again, you may want to submit that in writing.

Murray Clamen: I will Lana thank you very much.

Lana Pollack: Sure. Ok

Operator: Thank you. The next question is from Daniel Salansky in Jefferson. Please go ahead.

Daniel Salansky: Hi Commissioners.

Lana Pollack: Hi and thank you for joining us this evening Mr. Salansky.

Daniel Salansky: Yes. I grew up along Lake Ontario myself; another sorry South Shore resident I guess. After the last speaker, I don't know if I'm really even worthy to say anything.

Lana Pollack: Of course you're worthy. Please go ahead. We want to hear from you.

Daniel Salansky: You know one of the things that's being mentioned here, but I went and looked to see if I could find anything but maybe I just didn't look in the right places, it certainly wasn't on the IJC site that I could see; talking about the ecology of the Lake, on the marshes and all of that, as to what has happened over the last 50, 60 years and why it has gone downhill and how far it's gone downhill and how much of it's gone downhill. If there's anything on your website, I couldn't find it. It sort of strikes me that this whole talk about a Working Group, where's that information available to the public?

Now if I was reviewing something I want to look and say: here are the marshes back prior to the Dams going in, here's where they were going over time if that data was even available, here's where they've gone since Plan 1958 whatever has been in place, and here's what we expect 2014 to do. But if that information's available, I don't know where to find it.

Lana Pollack: Hang on just a second on that. I'm going to break the normal pattern of not being responsive but I and the Commissioners have had access to a lot of papers. I haven't read that online because it was frankly presented to me but Bernard are you on the phone? Can you respond to some of the background science that we've depended on and whether that's posted on our website? Or David? I know we have a couple of our professional staff with us this evening.

David Fay: It may not be easy to find on the website, and it's through links to the Lake Ontario/St. Lawrence River Study that was actually completed in 2006. But those reports are available through the web. If you want to email or contact us, you can do that through the IJC.org website. We would be glad to send you an email with the links or even the papers themselves that explain that. And that applies to anyone. There is contact information fairly easily accessible on the main IJC website. So you can do that.

Lana Pollack: Thank you David, and thank you Daniel for raising that question because it is important that people be able to access the information that we're accessing...we're reading. So I encourage you to do that so you can be reading the papers that we're reading. Did you want to conclude with any other thoughts?

Daniel Salansky: Well I guess... I will attempt to find something and maybe make some contacts to see what information is available. But I would still have thought at the very least the IJC would have put on something that shows mapping saying, or at least some basic detail saying "there was this number of acres in the past, there are this number of acres of wetlands now. Here are the acres that'll be improved." I mean that's what I want to know because I'm looking at your information and it's saying the shoreline property owners will... this Plan 2014 will cost us \$2 million dollars a year in damage, that's probably a low ball but I don't know, and I'm wondering how many acres of wetland it's going to save. 2? I mean I don't know. But that's a very good question on my part I would guess.

Lana Pollack: It is indeed. And I think that the information is there, but I'm sorry it's not there more readily. So let me encourage you and anybody else, if you don't see it through the links in the 2006 Report, it was the science that was done at that time for that report, just continue to ask us because you deserve to know and I thank you very much for raising that important consideration.

Daniel Salansky: And the only other question I would have is if there's benefit to the hydro power from 2014 and there's loss to lakeshore residents, and not just property loss but also ecological loss because erosion is something that for an example the D.E.C., if I was to do anything on the lakeshore that would cause erosion they would hit me with fines. Here's the IJC doing something that's going to cause erosion along the whole lakeshore, I don't think you're going to pay any fine. So I'm just sort of curious as to why the hydro power gets whatever, \$5 million dollar a year gain and we get a \$2 million dollars a year loss and that's considered good enough I guess. I don't know.

Lana Pollack: I hear you. Again, not to enter into any long process but the... if I can state it as I understand it and briefly, the IJC modellers set out to find ways to reverse some of the ecological damage. They did not or we did not set out to try to enhance the benefits to the hydro power. But it turns out that the best Plan to enhance the environment also give a bonus, as you've noted, to the hydro power. The IJC does not have authority to simply order any benefits transferred to some other interests that's beyond our authority under the Treaty. The governments could decide to do something like that, or not, or some combination of other things. But the IJC is not authorized to do that so.

You've raised important issues. You've spoken well and we very much appreciate your participation this evening and your continued interest in this so thank you so much.

Daniel Salansky: Thank you.

Lana Pollack: You're welcome.

Operator: Thank you. The next comment is from Robert Tapworth in Syracuse. Please go ahead.

Robert Tapworth: Yes, good evening, thank you. I would like to just restrict my comments to the question of ecological protection as you've already raised. I'm particularly thinking of the quality of drinking water to the communities around the periphery of the Lake. You know that in Oswego there's a large intake which services Onondaga County, the metropolitan area of Syracuse. There's also an intake at Clayton which is a 450-foot long line 50 feet under the water. Clearly the condition of the water in the Lake has a great deal to do with public health. I'm conscious that I don't believe that New York State has at the present time a surveillance program in place to survey the quality of drinking water in the Lake although they do have for inland water services water sources in the rivers and lakes on the interior of the state. I do know that on the North Shore the government of Canada has a mathematical modelling system which they have acquired which is used to help protect the close to shoreline water quality in the vicinity of Toronto. Something similar is needed around the whole periphery of the Lake and I think this is an opportunity to focus on that because you're having such a comprehensive discussion. It affects the communities on both shorelines all the way down the River as well as the entire shoreline of the Lake and it's probable that a single modelling system would be the best technique to use.

I believe that the one the Canadian people are using came from I believe the Netherlands. I know of another modelling system that was invented by a Dr. Chen who is at Woods Hall at the University of Massachusetts at Dartmouth. He has used his system to model for example the water conditions off of the Fukushima nuclear problem in Japan as well as the water conditions caused by the plume at the mouth of the Mekong River. So he has a lot of experience. I did talk to him on the telephone recently and he says that they haven't done anything to speak of in the Great Lakes although he's certainly open to the possibility. Obviously it would cost some money.

So I'd urge you to take that to possibility and into account when making your Plan. I think that if you have a Plan which is largely Maritime and shipping oriented and power generation oriented there needs to be some very specific attention to public health, and specifically clean drinking water. Thank you very much.

Operator: Thank you. The next comment is from Allan Woodall from Norfolk. Please go ahead.

Allan Woodall: Yes. I'm a property owner on the Eastern Shore of Lake Ontario right where some of the land points out, and we will be severely negatively affected with this increase in water levels. I've been out, I used to do surveying so I'm comfortable and familiar and I've monitored the daily water levels and as near as I can see if we have a storm surge with this increased water level that you're proposing we're going to lose everything. It's not right.

We've been there since 1950 this property's been in our family. I grew up there as a boy; I lived and loved the property. Now I'm a disabled retiree, my wife and I both, and we go there for the enjoyment of it and I mean, we've invested a lot of time, my family's invested a lot of time and a lot of love and so forth and we don't want to see any harm come to the Lake, whatsoever. And I'm for all creatures big and small as far as that goes but the water levels, if they're to be maintained at 248.14 feet it's going to severely affect us and- I don't- I'm just so upset with it I just can't hardly think to collect my thoughts. But speaking back to the previous caller who spoke about water quality, in the 1980's the State of New York allowed a company that couldn't- Canada wouldn't allow them to put a pipeline into the Lake and they built a 5-foot pipeline. The first year they were monitored they were only supposed to dump a million gallons of pollution into Lake Ontario. Well after the first year they weren't to be monitored whatsoever so I can't tell you how many gallons of pollution's going into that Lake as it is. So for people to be drinking that water it's insane, but that's their business. That's probably not an issue that's to be brought up here but I only bring it up because historical... I can't think of the term... information. But it was in the 80's the D.E.C. Commissioner at the time allowed them to do it.

But as I said, this is about the worst thing that could happen to us as a property owner and I can't envision a caring... one of your previous callers...to me he acts like he's king of the river or king of the lake and the rest of us, the property owners, don't have a strong stake in the environment and the quality of life. It's absurd to me to hear somebody speak like that. He may be a very knowledgeable person but to me he's way over his head because nobody died and left him supreme ruler that I know of. If you people were to push this down our throats you're going to have a problem. Somewhere, someday, somebody has got to rein this in and protect out shoreline. And I thank you for allowing me to speak.

Lana Pollack: And I thank you very much for calling in. I'm going to ask our operator what is the number of individuals who are in queue to speak?

Operator: There are currently 3 participants in the queue.

Lana Pollack: Alright, there may be more but let's continue and thank you so much.

Operator: Perfect thank you. The next comment is from Helen **Allam** in Rochester. Please go ahead.

Helen Allam: Hello and thank you for allowing me to speak today Commissioner Pollack. I live on the Southern Shore of Lake Ontario as everybody in Canada likes to call it. And I've also been a member of the Nature Conservancy. However, I have a Masters in Biology and I was trained that the day that a lake is born is the day it starts to die; and that means it starts filling in naturally and sediment appears, creeks are flowing and the sediment keeps going down and like a delta it fills in. Now I've also heard that people like to say the old adage "the solution to pollution is dilution" and I think that's what you're shoving down our throats, because all you want to do is raise the lake level so we can have nice clean drinking water. Well that's not going to be the solution and what I feel the Study has lacked, and not only previous speakers have also communicated saying that your website really fails to bring this down to the layman's terms and tell us what's going on. What is this Plan really about? Why don't you just come out and say it?

We need more water for the hydroelectric power. Just say it, okay. Stop beating around the bush, smoke and mirrors and all this stuff. We're not that stupid, okay. That's just really insulting and it's wasting a lot of people's time and energy. I tried to call in on that July 24th. I spent my time and I was insulted because I got some phone call that said "do you want to join a lottery to win some X amount of money?" And the way they've been holding these meetings, they're not holding meetings where the people are involved. Like, you had a meeting in Rochester in the city downtown on a Tuesday afternoon at 2 o'clock when most of us are working. That is not- downtown Rochester are not where the people are going to be affected. However, I rescind that comment because Genesee River is a north flowing river and is going to be affected by these lake levels rising.

So I go back to saying I understand that wetlands are sponges for the environment and they're critical. And I am, I belong to the Sierra Club, Nature Conservancy, I am a conservationist. I love this Lake and the environment. But, you need to start looking at what happened since 1958. You neglected in your Study to say how much has built up on the shoreline. How much people building their houses or even more development, all these marinas going in, people that want to develop condos and all that; and what about all the septic systems going into the Lake? What about all the people doing their lawns draining in from all the tributaries? Upstream: what's happening upstream? All those people doing their chemicals on their lawn. It's feeding into that. What about all the invader species coming in? They're going to keep coming in because you're going to let the water come in, you're going to let the shippers come in. Those invader species are still killing our Lake. You just have to address this, and I'm sorry but this Plan does not address that question. The professor in Ottawa, he's well spoken and all that, I must say you let him go over 3 minutes and that's also a disgrace. Sorry, he was on the IJC so I guess you let him speak longer but I can go on and on and on until the bell rings. Thank you very much for letting

me speak. I'm very passionate about this and I really echo the sentiments of the people that live on the shoreline. NO TO 2014!

Operator: Thank you. The next question is from Laurie Crane in the Town of Huron, NY. Please go ahead.

Laurie Crane: Thank you Commissioners for listen again to me.

Lana Pollack: You're welcome and thank you for joining us again.

Laurie Crane: I've been to most of the meetings and a couple of the technical meetings. I have listened to all sides of this Plan. I have listened to everyone slamming the South Shore riparians and the political leaders on the South Shore.

I just hope the gentleman from Ottawa is still listening because I'd like to know if he would be in favor of a Plan that would destroy his house, or his family's house, or their home, or their economy, or their livelihood, or their village, or their town, because that's what this Plan will do. We all have to pay attention to the health and welfare of all the people who live around the Lake, the bays, the River and all the people who use these waterways. At the technical meeting in Oswego, a gentleman said "so what if the South Shore loses a couple of cottages?" These so called cottages are people's homes. They are where people live. There where people have worked their entire lives for these homes and we can't afford Plan 2014. There are other ways to improve our wetlands. We need to work on that.

Now I'd just like one more comment and a couple questions. In Alex Bay, everyone there spoke of the need for higher water levels and praised Plan 2014 for the higher water. My question is: will this Plan give them a longer tourist season? And my second question is how will the longer periods of low water affect them?; because there was not one comment from the environmentalists or the Commissioners to address the people in Alex Bay at that meeting on the low water. They all up there believe, and are for this Plan because they believe they are going to have high water. Nowhere was it commented on what the low waters will do to Alex Bay, to their tourist season and to their economy. Because if we have longer periods of low water, and they have longer periods, they will be actually in worse shape than the Lake and our bays on the South Shore because at least we have a little bit more to our economy than tourism, although that's a huge piece of our economy. Alex Bay: it's their main piece and no one addressed the low water issues with them at all. The environmentalists didn't, the Commissioners didn't. I really think that was lacking up there. People don't understand what low water and how it's going to affect them up there on the River.

Lana Pollack: Thank you very much again for- oh, I didn't mean to interrupt you. Go ahead.

Laurie Crane: That's okay. It's just that it was never addressed to them. I couldn't tell by everything that I read how low their water was going to be, and it showed nothing to the effect of how long their water was going to be low.

Lana Pollack: Well I will say this: that everybody does have access to the same information. I apologize if it's not been easy to access or find on the website, but your point is one that's important. The science says if there is to be wetlands restoration which is the purpose of this exercise, it's going to require periods of low waters as well as periods of high waters. It's the compression of the current Plan that more or less diminishes the periods of high water and diminishes the periods of low water that has also diminished the health of the wetlands. So you make a point that people, as we heard around the bay there's people concerned about the waters being too high and there are other people in the basin, not the bay, including the Upper St. Lawrence who are concerned about it being too low. We're hearing as you were good to go and listen at many of these hearings so you heard a cross section of these people, you hear very different needs that are primary in their minds depending on where they live, where they cottage, what their interests are. But the models are available that do show that the waters will not always be high for them nor will they always be low for others.

I'm going to ask David Fay not to go into the details but to say I believe the models that we are using are available on the website. Is that correct David?

David Fay: The results of the models are-

Lana Pollack: That's what I meant; the results of the models. So the charts that I'm reading are...

David Fay: Yes. There are charts in several different forms to try to show people the difference, or what they could expect, or what would have happened with the existing Plan compared to what would have happened with this proposed Plan on Lake Ontario as well as downstream. They can see whether the water level would be higher or lower. Everybody has access to that information. We've tried to explain that to people several times. We're still willing to try to explain that to people. The new Plan will have more variability from year to year in a slightly wider range. It will have on average higher levels in the fall and that's what people in Alex Bay, I believe, they were looking and saying that will be a good thing for their particular situation. And certainly there would be some tradeoffs for them because sometimes there would be lower levels in the summer at the peak of their tourist season and we've also explained that to them.

Laurie Crane: I heard no mention of that at Alex Bay. They're talking that they're going to have all this high water and they're all for this Plan, but no one mentioned what one year of low water in their tourist season will do.... for the South Shore also.

David Fay: If you look at the table of economic results that we put out it does show that what we, and according to the models used in the Lake Ontario Study, that there would be a small negative implication for recreational boating. But some of those people are quite willing to trade off the lower summer water levels once in a while to have a longer season. I can't tell them what they need. That's their perception of what is good or bad just like it's your perception what is good or bad for your particular interest.

Laurie Crane: One more comment. I like to go to Disneyland. If I went down there and paid for a trip down there for one year, and they said "we're conserving electricity. We're not running any of the rides. We're not having anything open. It's only for a year. You could try us next year when we probably won't be doing it next year," I'm telling you right now I wouldn't go back. And if it was 2 years in a row, I wouldn't go back. That's what will happen with the tourist season and the economy on the South Shore and in Alex Bay. People will not return.

Lana Pollack: Thank you for your continued interest, for your courtesy and your comments this evening in particular. We appreciate that. Jade? We'll go to the next caller please.

Operator: Thank you. The next comment is from Louis (Time code - 54:30) in Sodus Point. Please go ahead.

Louis: Hello. The question I have is one of the requirements of the Treaty as I understand is there will be no undue burden on any group or area. This Plan definitely is a burden on the South shore of Lake Ontario. If I recall correctly a few years ago, Quebec on the Plan was going to have some damage. Quebec rejected it, says "we will not accept any additional burden than what we already have." Well this Plan here will put a great burden on villages and South Shore residents if it gets implemented.

Now the benefit to the environment is really small but the benefits to hydroelectric power is tremendous. I know you tried to say only \$5 'some million that they benefit, but it has shown that the benefit is a lot greater than that. All the damages to the South Shore was \$2.2 million dollars average on the annual basis whereas just in our village itself that the damage would be far exceeding that. So I think we're being very short-sighted by implementing this Plan, and putting a tremendous burden on some people while others will benefit. Down river has no damage. Above the Dam there will be a slight damage but very, very low, and everything the damage will be on the South Shore of Lake Ontario and I think it's completely unacceptable.

Also I would invite one Commissioner ahead come to Sodus Point, and would invite all other Commissioners and I'll make sure everything is available to them to tour the village of Sodus Point, New York and see what they will destroy. I thank you for listening to me.

Lana Pollack: And we thank you for participating this evening and we appreciate your previous participation as well. So we'll go to the next caller.

Operator: Thank you. The next comment is from Ben. Please state your last name and location and proceed with your question.

Ben: My name is Ben (Time code 57:28) and I live in Rochester, New York on the shores of Lake Ontario. We're going to be seriously impacted. If the water levels rise here then our ability to live on our homes will be severely impacted. We don't see the positive results that you are talking about are in any way going to cover us for the negative impacts that will happen to us. So anybody who lives on the South Shore of Lake Ontario, we're going to get hurt really badly. So we say no. I will not waste your time with any more comments. Thank you. Bye.

Operator: Thank you. The next comment is from Jack Steinkamp in Sodus Point. Please go ahead.

Lana Pollack: Jack, I'm going to listen to you in one second but I'm just going to take a little check in now with Jade. Jade, is there anybody else who has not spoken who is in the queue to speak?

Operator: Mr. Steinkamp is the last person in the queue.

Lana Pollack: Alright. Good, you can be the wrap up speaker and please do go ahead!

Jack Steinkamp: Actually with a sense of humor I appreciate being able to speak 2 times here.

Lana Pollack: It's okay. I let Dr. Clamen speak longer. In part because when somebody's reading something you know there is an end. When someone's not using a script you wonder if they'll have an end. But anyway, just go ahead.

Jack Steinkamp: I'll be brief, and take this with a tongue in cheek, I wish he was here right now because I'm standing on my deck looking at the Lake and I would dunk him until he said "uncle" because this is part of the problem. Maxine brought it up right in the beginning where he just is so focussed on "it has to be my way or the highway and we don't care what happens to anybody else, and you should do this and do this." There are people involved here. I don't need to live here in my house and be afraid of the IJC. That's not part of living, that's not part of quality of life.

The changes that you propose in the water levels have serious impacts on us on the South Shore. We do want better water quality; we do want the environment improved. But I mean let's get real about this. Lake Ontario is kind of like the, excuse my term, but it's kind of like the toilet of the Great Lakes. Everything that happens everywhere else in North America

ends up in here and then the pipeline is the St. Lawrence Seaway. If people want to really improve the ecology, I think you need to focus on the water quality, not quantity. I don't want to see my home washed away, my neighborhood washed away. I think that the IJC can come up with a better Plan than this.

To actually suggest that you not even follow the government concurrence and just do it on your own is communism. It's not the American way. I don't think it's the Canadian way although I don't know a whole lot about Canadian government. But that's not what we're in this for. We want an agreement that helps everyone and doesn't hurt anyone disproportionately. So with that again I suggest that you find a better Plan. Come back with a Plan that hurts nobody. Goodnight, thank you for speaking twice.

Lana Pollack: Thank you. That was a fine way to conclude if there are no other speakers in the queue. We're still taking our comments until the end of the month, which is fast approaching. So people who wish to submit anything else in writing, people who spoke tonight, and people who didn't speak tonight, the line is still open so to speak for written submissions.

Once again I'd like to thank everybody who participated. I'd like to thank my colleagues. I'd like to thank the staff. I would like to thank our highly capable operator, and I want to apologize for anybody who's still on the line who may have tried to call in a few weeks ago when we could not tell that the callers could not hear. So we just didn't know why no one was speaking to us that night. We certainly apologize for that snafu. So once again thank you very much. We seriously consider everything we hear, and we do care. So thank you and good evening.

Operator: Thank you. The conference call has now ended. Please disconnect your lines at this time, and we thank you for your participation.

End of Transcript