**Public Hearing - Jordan, ON**
**International Joint Commission, Canadian Section - LOSL Hearing**
**Proposal for Lake Ontario St. Lawrence River Regulation**
**July 15th, 2013**

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**Joe Comuzzi**: Good evening ladies and gentlemen. We had a great meeting this morning, and I think it was great because my colleague right next to me was the Chairperson, so why should I change the format at all? He did such a superb job I'm going to ask Gord if would you do that again. Gordon Walker is the Commissioner from Toronto, and Ben Bouchard is the Commissioner from Montreal. I'm going to let our American Commissioner introduce her folks.

**Lana Pollack:** Hi. I'm Lana Pollack and I am the U.S. Section Chair. I'm from Michigan. I'll let my colleagues introduce themselves.

**Dereth Glance:** Good evening I'm Dereth Glance and I'm from Syracuse. It's great to see you all, thanks for moving up close to us today too.

**Rich Moy:** I'm Commissioner Rich Moy from the West of the United States.

**Gordon Walker:** Did we get Dereth at the other end? And we got Ben in between. Lana is the Chair from United States Section. And Joe Comuzzi all the way in from Thunder Bay, and it's almost as far a way as Rich is from Montana, so we've got our complement here. I'm Gordon Walker. I'm out of Toronto. I'm certainly pleased to welcome you here tonight as part of this discussion. We're here really to receive your comments on the proposal for managing the water levels on Lake Ontario and the St. Lawrence River. It needs to contribute to the economic health of all of the communities up and down both sides of this great water way.

You probably all know by now that the International Joint Commission was established by a boundary treaty in the Boundary Waters Treaty Act of 1909. It's purpose was to attempt to resolve disputes before they happen if possible and prevent them, and resolve them if they do happen between our shared countries and their common waterway. I think we cover something like 330 lakes, rivers and streams across the country, but the Great Lakes figure into it very prominently and certainly Lake Ontario and St. Lawrence River the same way.

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In 1950, the International Joint Commission approved the construction of the Moses and Saunders Dam located at Cornwall and Massena, that virtually crosses the water flow in such a way that it provides somewhat of a control on Lake Ontario. The IJC's certainly in a position where if it does approve a project it has to ensure that the treaty itself is fulfilled and that includes ensuring that there is an order of priority for water uses that the priority is followed and that all the interests in both countries are protected from injury that might be caused by the project, and that was the Power Dam Project.

The governments of the United States and Canada were the applicants who asked the IJC whether after due consideration was given to all interests the flows through the project could be regulated in such a way to reduce the range of levels on Lake Ontario. And the IJC recommended and the governments approved that the operating criteria which had been followed since 1956 be continued.

The question before the IJC today is how we are to meet our responsibilities under the Boundary Waters Treaty in light of the changed conditions and improvements in knowledge and science that have occurred since the 1950's.

Although the water levels and flows are primarily determined by some of the pretty obvious things like precipitation and snow pack and storms, water flow management has provided substantial benefits to the region. These include: reduced flooding and erosion on Lake Ontario shoreline, reduced flooding downstream, and providing more favourable conditions on the lake and river for water intakes, recreational boating, commercial navigation and hydro-electric power production. However, extensive research shows that the policies developed in the 1950's have restricted water levels to the extent of degrading the coastal wetlands on Lake Ontario and Upper St. Lawrence. This degradation impacts the health of our native plants, the birds, fish and animals.

In light of these findings the IJC is proposing to manage water levels with fewer environmental impacts on Lake Ontario and the Upper St. Lawrence. This proposal would continue to reduce the extreme high and low water levels, would allow somewhat more natural water level patterns on Lake Ontario and would retain 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 on a scale larger than any restoration actions taken to date. After fully considering all the comments that we receive, the other commissioners and I will make recommendations to the governments of Canada and the United States. The two governments, who are the signatories to this Boundary Waters Treaty Act, we will seek their concurrence before implementing any changes to the current order and the Regulation Plan. So now we have a short presentation we'd like to present to you on the screen behind us that will give you some indication of where we're going, and

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we'd like you to memorize all the lines and graphs you see on there and we'll have questions at the end to see how thorough that is.

***(PRESENTATION IN PROGRESS)***

**Gordon Walker:** We're back…Before we start hearing your comments I'd just like to say a few words about our procedures: if you wish to comment, please give a registration card to our staff at the registration table. You can register at any time during tonight's meeting, and I'll announce whose turn it is to speak and will also identify the next person or two on deck so they can get prepared. When you speak please state your name and let us know whether you're speaking as an individual or on behalf of an organization. We'd ask you to limit your oral comments to 3 minutes. We'll help you keep track of time by showing the green side of a ping pong mallet. If we show you the green side that means you have a minute left. If we show you the red side, then your time is done. And if we show you the handle that, then they're about to hit you over the head. I don't think we'll go that far. But do feel free to submit additional statements, and don't be restrictive. If you don't want to speak tonight and you want to pass in something to us you've got until August 30th; so send in anything that you want. Let us know if you need anything. Don't be inhibited in what you want to say. If you want to send it in, do send it in. We're recording the meeting, and all the comments will be part of the official record. All 6 of the commissioners are present and listening to everything that you have to say and they will take those all into consideration. The transcripts will be available to us and they will be important for us to consider in the process.

Why don't we get started with the process now? I think we have a series of cards here that have been filled in with you. In fact I will read the third person, that's John Hall. The second person up is… is that Tys Theysmeyer? Have I got the right pronunciation? And the first one to speak is Tom Anderson. So could I invite you Mr. Anderson to come forward? You're listed as Algoma Central Corporation and Canadian Ship Owners Association and you're based in St. Catherines I believe. We welcome you here, thank you very much and we look forward to your comments.

**Tom Anderson:** Thank you very much sir, and the rest of the commissioners. Yes I represent Algoma Central Corporation as the Director of Ports and Navigations so obviously this is an issue important to our company. Also Algoma Central Corporation is the biggest Canadian flagged domestic operator in the Great Lakes/St. Lawrence Seaway system and is a member of the Canadian Ship Owners Association so it's sort of a joint presentation. You'll hear further remarks from the Canadian Ship Owners Association at your technical meeting in Montreal on the 18th.

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The Canadian Ship Owners Association or I'll call them the CSA, is an industry association representing Canadian flagged vessels that operate in the Great Lakes/St. Lawrence Seaway system and along with the East Coast of North America, the Canadian Arctic and including the U.S. portion of the Great Lakes. Our total fleet between our members is about 80 ships employing Canadians. The last year we have accurate records is 2011 and we carried over 60 million tons of cargo. Half these movements were between U.S. and Canada on the Great Lakes.

Our member companies play a significant role in the economy of our country, providing sustainable transportation services to strategic industries such as steel, agricultural, mining, power generation, petroleum and constructions. The Great Lakes /St. Lawrence Seaway marine systems support $35 billion of economic activity each year and provide more than 227 000 jobs both in the U.S. and Canada.

For the CSA the protection of the marine environment is a key principle. Therefore, the CSA recognizes and supports the intent of Plan 2014 to provide further protection. We appreciate the opportunity to engage the Commission. We have several concerns and recommendations to present today and we'll expand upon them in a more formal written submission, as you mentioned we have a deadline of until the end of August to do.

As you know well, Plan 2014 is a product of over a decade of research and regulatory development. However until this last June the details of the Plan were not available to the CSA and the marine industry was not included in the regulatory development process, despite our request and definite interest to be included demonstrated in the last consultative process. Consequently much of our analysis is still preliminary; we're still working at it. We received presentations on the impact on commercial shipping, both from the Commission officers and as well from the St. Lawrence Seaway in the last week, so we're just trying to see how this thing impacts us, so more comments will follow in writing.

The CSA is a strong advocate for a holistic approach in the Great Lakes to water level management considering also too that water level management concerns in the Upper Great Lakes basin, the Niagara River and in the Lake Ontario/St. Lawrence River situation. So we don't want to see a situation where one regulation plan is detrimental to another part of the system. This is very important especially in the Upper Lakes basin where the impact of low water levels is having a significant impact on the economy and the environment, as we hear in the news. I live and work that every day trying to load ships to the maximum safe efficient draft.

While Plan 2014 aims to provide a benefit to the marine environment, this should be done like I mentioned in a holistic approach. The modeling seems to be done over a 101 year timeframe. We'd like to see that more of an emphasis on the last ten or twenty years where

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we've seen more of the effects of climate change. We feel the impacts of low water are more pronounced.

It's clear from our initial analysis of the current modeling over the 101 year process the frequency of low water levels will double in comparison to the current Plan 1958 DD. That's especially in low waters where the lower water tends to come earlier in the season and stay longer. If you had a case where you had two successive low water periods the impact would be very pronounced.

We've seen when looking at the data that's been provided to us in the 1930's and 1960's we had periods of extreme low waters and we did some modeling on that, preliminary of course right now, and we said that if we were subjected to those conditions we'd be at a loss of 20% of efficiency of our operations. We estimate that would result in a shifting of the transporting of bulk commodities to other modes, and we could see up to 700 voyages from our member companies being curtailed or constrained one way or the other either by reduced drafts or reduced cargo input. Some of these cargos could actually be diverted to other modes of transport that have less efficiency or maybe not have the safety record of shipping. Those would be rail and trucks that would increase environmental pressures and other pressures on the infrastructure in the system.

So we looked at first glance that there would be a negative impact. I know from the presentation we saw and what we've heard from the IJC is that there's basically no negative impact; it's basically a wash even to the current 1958 Plan is. But we see that with a three inch draft reduction, and we experienced to most of our vessels last fall with the low water levels in the St. Lawrence Seaway, we would be in the neighborhood of a 5 – 8% reduction in our revenue on a trip by trip basis. That's basically where the gravy is when we're making our trips is that last 5 to 10%.

There remain many questions with respect to the proposed governance framework. The immediate one is the intended composition of the Board of Control as which was highlighted here. We also have an initial concern that the Commission itself might be overly excessive and use an unnecessary level of control for major deviations because there's a wide gap between the trigger points so they allow the water levels to go either very high or very low, therefore they're almost at a crisis situation and therefore to remediate the system to meet the needs of the various stakeholders involved, the action to set things back as much as possible to normal become more drastic. For us in the marine industry predictability is essential and having a governance structure that imposes additional risk in predictability through adaptive management is unnecessary and makes us kind of nervous. Canadian Ship Owners Association members are re-capitalizing their fleet; they're building ships for the next 25 to 30 years. My company has committed almost half a billion dollars to fleet renewal now and into the next few years. We have a loss of opportunity cost because

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we have such a short season, we have such a small fleet and we would result in trying to accommodate additional trips at less cargo, less draft, less efficiency within as fixed navigational season. Once again I said we're concerned that in the past 101 years is not necessarily indicative of today's situation and what's going forward with talk of climate change and we'd encourage the IJC to extend it's modeling until 2013 and focus on primarily the last ten years.

In conclusion the CSA believes Plan 2014 could be achieved and support both increased benefits for the environment and to the economy through the efficient and predictable control of water levels. But it still requires some certain specific amendments. We recommend that the IJC establish a working group that includes the marine industry stakeholders with a goal of reviewing the triggers and the governance mechanisms to invoke those triggers in extreme conditions before the Plan's actual implementation. We really need a better analysis, a better understanding of the impact of the commercial shipping metric that Plan 2014 will result in. Furthermore, we recommend that the eventual Board include representation from the marine industry and that the Board be provided with a greater authority that includes the management of major deviations. Last year in the Lower Seaway we were able to reduce or mitigate some of the impacts of the lower water levels by some minor deviations. My fear is with this Plan, deviations and the ability to make adjustments will only happen when these triggers happen. We can't sort of fine tune things until we reach almost a crisis state.

The Great Lakes / St. Lawrence Seaway have enormous potential to provide sustainable transportation options and are already providing $35 billion of economic impact in Canada and the United States and are integral to such a larger supply chain.

So in closing our main concerns are: does the Plan adequately address water levels below the Moses-Saunders Dam. Yes it does but we have concerns that it prevents unnecessary risk of excessively low water levels above the dam. The Plan provides for more frequent incidents and longer periods of extreme low and high water. Overall the Plan would result in below seaway drafts periods for at least twice as long as the existing Plan, with the effects being magnified in years of consecutive low water. The governance framework is over-restrictive. This is very apparent from major deviations that would require the Commission's support; once again it looks like we'd be hamstrung from doing this sort of fine tuning to avoid the trigger points from being reached and having a major episode. The net impact is weaknesses in governance and the potential is to accentuate the periods of extreme water levels. The concept of adaptive management is a positive concept but should not be isolated to only Lower Great Lakes. The IJC should consider key metrics in this strategy. As all the modeling is associated with the development of a regulatory plan that's historical, it does not properly reflect the more recent trend of diminishing water levels in the Great Lakes, especially in the upper lakes. This presents an additional level of

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uncertainty and combined with restrictive governance framework could be difficult to overcome.

So those are my comments…More to follow both in written and subsequent submissions to the Board later on in Montreal. Thank you for the opportunity to provide our point of view and what we think our impacts are. And most importantly thank you for not hitting me with that ping pong paddle.

*(Laughter)*

**Gordon Walker:** Before you go, let me see if there are any questions for you from our folks here or from our secretaries.

**Lana Pollack:** One thing that I'll want to examine further with our professional staff and your concerns too is the assertion that the trigger mechanisms proposed under Plan 2014 would not allow the same level of flexibility. For instance getting the results that you had last year with the current Plan. That's not my understanding of 2014. In other words, I understand and would want your goals but it's my understanding that this Plan may even get us a little better kind of flexibility response on the triggers than the old Plan, so we'll need to examine that among other things that you've said.

**Tom Anderson:** Last fall we were told that draft reductions weren't as severe because the Board was able to basically borrow water from Lake Ontario and put it into the Lower Seaway so therefore, the impact of lower water levels was we lost just 3 inches as opposed to maybe 6 inches or more. Luckily we had a rebound in the precipitation over the winter and spring and some of our vessels are running at 26ft 9inches as opposed to 26-3 last year.

**Lana Pollack:** Thank you. We'll have further conversations.

**Rich Moy**: The point that to look at the last 10 to 20 years historically, hydrologists look at 100 year cycles because we see a 20 year drought cycles, 20 years above average 20 years below average 20 years above average and you can go through the historical record throughout the United States and see that. So to be very selective on the last 10 years of drought has a tendency to skew the data and I a little bit worry about trying to do that.

**Joe Comuzzi:** Just one question. There's Canadian Ship Owners Association but I presume there's a U.S. counterpart, is there? ...and I suspect that you're speaking for them as well perhaps.

**Tom Anderson:** I'm not speaking for the U.S. counterpart. It's a little different on the U.S. side of the border. The Great Lakes companies on the U.S. side are represented by an association called Lake Carriers Association. Primarily about 96% of their trade is done

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above the Welland Canal so the impacts to this, to any regulation Plan of Lake Ontario and the St. Lawrence River are probably not really prominent on their radar screen. I'm not speaking on their behalf but that's an assumption on my part.

**Joe Comuzzi**: The 80 ships that you say you have in your entire fleet of the Canadian Ship Owners Association, are they exclusively lakers or do you count the…I'm trying to make a differentiation there.

**Tom Anderson:** They're a mix. All of them are capable and do operate on the Lakes. Some of them because of their construction and design are capable of running down the East Coast in the ocean trade, but I'd say of those 80 ships probably over 60 are captive of the Great Lakes; they cannot trade beyond the Great Lakes because of their design and construction.

**Joe Comuzzi**: You realize of course the problems we're having with the supply of water, 37.3 inches might not be there forever. Also you mentioned and I think we're aware that every time you lose an inch in depth that there's a substantial change in your ability to carry cargo and eventually you'll say "why should we use…why should we continue to do this if we're…?

**Tom Anderson:** So the metric we use is one inch of draft lost means a hundred tons of cargo lost; that's how much gets shut out. There comes to a point where we won't be able if the water levels decrease to a certain extent that certain trades, certain ports and harbours may not be feasible both physically because the ships can't get in there, or economically not feasible to get in that trade anymore. We're certainly looking at new technology, better surveys, real time data to determine real time under keel clearance sort of using the best technologies we have to maximize what available water's there.

**Joe Comuzzi**: There seems to be a trend. When I talk to the people in the Seaway Authority there's more and more tug and barge being shipped on the Great Lakes. Is that correct?

**Tom Anderson**: There has been in the last 20 years more of a trend for various reasons. For certain crates the cost of operating a tug barge is less than necessarily a conventional ship, and also to certain places the larger vessels can't get in, and are better serviced by tugs and barges especially when you're talking about smaller harbours or smaller cargo allotments.

**Joe Comuzzi**: But is your industry not looking for different ways to ship your product; you said you had 60 million tons shipped last year. I think that equates to about maybe 30 or 35% of the capacity of the Seaway to handle. We have a tremendous amount of capacity in that Seaway that's not being used, as you are well aware. I think it's incumbent on all of us if we're going to increase our economy and our jobs that we should be looking for ways to

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maximize that very important transportation route that's not being fully utilized, and I think that's the responsibility of ship owners in the main.

**Tom Anderson:** Agreed that the Seaway is being underutilized. We're working with markets, customers; we're looking at new ship designs including tugs and barges. Members operate tugs and barges for specific trades. So business development is ongoing; we're always looking for opportunities for various cargos to serve various customer needs.

**Joe Comuzzi**: When's the last new ship that the Canadian Ship Owners designed for use exclusively on the five Great Lakes for transportation of goods that had something less than a requirement of a 27 ft 3 in keel draft?

**Tom Anderson:** Well we've delivered tugs and barges in the last few years. We're receiving new lakes vessels. In fact Canada Steamship Lines received one that arrived in Montreal last week. My company's taking delivery of the first of a series of 8 Seaway Lakers next month. So we're designing this based on our customer needs. We're certainly out there beating the bushes looking for the customers to move their cargos and designing their fleets in response to their needs.

**Joe Comuzzi**: Not that my line of questioning is complete yet, I don't want to belabor the meeting and perhaps we'll discuss it further, but from what I hear from you tonight there is a lot of expansion that's available for usage on the Seaway. That's a very important, very expensive transportation mode in Canada that's been paid for in the main by all of the taxpayers and that it should be utilized more so than it is being used today and maybe the only reason that we're not maximizing the utilization is because we're not developing the right type of vessel that can more easily transverse the Seaway. I come from an area that moves lumber. Never used lumber on barge and they move 7 million board feed a ship by barge. That's unusual and I don't see why we're not exploring those areas. Can you answer that please?

**Tom Anderson:** I'm just talking in terms of my company. We look at those developments to see if there's a long-term market, good sustainability if we're going to make a decision. We have operated tug barges in the past though currently we're not operating them right now. Other members are operating tugs and barges either for deck cargo like lumber or project cargo machinery. My company's core business is that we decided that we were going to operate larger ships for larger cargo allotments. That's sort of our business line. Other companies gravitate to tugs and barges and smaller vessels based on their own business expertise and their wants and needs. So my company per se is not big into tugs and barges, and others are.

**Joe Comuzzi**: I think we should pursue this at another time. I'd like to do that with you.

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**Gordon Walker:** Okay, from the Royal Botanical Gardens we have Tys Theysmeyer, please come forward would you please? And Andrea Court… the two of you have registered to speak. Do the two of you want to speak together? You're deferring to him, alright.

**Tys Theysmeyer:** Thank you for the opportunity to speak to the commission. My name is Tys Theysmeyer, good pronunciation, from the Royal Botanical Gardens. My position is the Head of Natural Lands. Overall the Royal Botanical Gardens is a very large nature reserve at the very tip of Lake Ontario. We have pretty much have the last two big wetlands contained in the nature reserve, which was really the genesis of creating the Royal Botanical Gardens to begin with: one of the original nature preserves of Canada.

We have sort of two big responsibilities: one is to make sure there is the green infrastructure, as well as to facilitate your outdoor experience enjoyment. Certainly a very important thing in the region we live in where there are very few other places like it.

Beyond that I have worked on these two wetlands we have for twenty years now. There's actually 25 km of shoreline to them. They cover 300 – 350 hectares… the both of them. And certainly they have been looking forward to a water level regime management level that would facilitate they're success a little more. Certainly there were some bigger issues from water level regulation that they faced although some of them were a spinoff of the water level regulation. I've watched year over year the subtle deviations that the current regulation Plan takes – not the deviations themselves I suppose but the Plan itself 1958 D it's always pushing towards a central average. You can see those effects every year. You can see that made a little difference to that group of fish, or that group of birds, or the regeneration of that group of plants. Some I'm very pleased to see a framework that puts in place a general pattern that matches when you have water you have water and when you don't you don't; I'm very pleased to see that and the shift away from a central water level system for Lake Ontario which means most of the time the cycle will function just fine for the fish and wildlife, the wetland health, the regeneration, the shoreline stabilization. As always when you get in to extreme situations adventures will occur but most of the time, we look forward to great things and improving wetland health. So I'm here to say we have full support for Plan 2014 and we look forward to its implementation. Thank you.

**Rich Moy**: I have one question: what wouldn't be the effect of Plan 2014 on restoration and repairing a habitat?

**Tys Theysmeyer:** I would undoubtedly say it would benefit. More because with plants in general when there's less water, there are fewer waves to pound on them and it's more the seedling regeneration where we struggle with now. So when it's down for a period of time they regenerate themselves much more resiliently so they last a lot longer.

**Joe Comuzzi**: Thank you.

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**Lana Pollack:** As a follow up to that…So when we hear from riparians that Plan 2014 is going to wipe out their protection and increase erosion; you're saying with your knowledge that's not the case?

**Tys Theysmeyer:** I'll put it into two classes: those who have massive wave exposure and wind fetch on them, and those who have less. Certainly whenever the water is lower for a period of time the plants regenerate better and they have resilience against the waves and they last longer. Now there is a certain scale of wave if you have the right spot on the lake where no matter what the wave is bigger than the biggest tree you're putting there.

**Lana Pollack:** Thank you very much.

**Gordon Walker:** Any further questions? Well thank you very much. We appreciate your collective views today so thank you for coming forward and speaking.

Now we're about to call on John Hall, and standing in the at bat circle is Stu Beatty.

**John Hall:** My name's John Hall and I'm the coordinator of the Hamilton Harbour Remedial Action Plan. Commissioners, it's nice to be in front of you. As you can tell by my lack of hair, I've been following this not for just the last study but the study before. This has been a long standing exercise. I also was a member of the Public Interest Advisory Group when the last study round occurred.

In 2007, I appeared before the International Joint Commission in this same room I believe and I had suggested that at that time the Commission at that time not approve Plan 2007; that they actually re-examine that Plan and they formulate a Plan closer to what was then know as Plan B Plus and also incorporate adaptive management into the way that the Plan would be evaluated and function over time.

I'm very pleased to tell you that on behalf of our Remedial Action Plan Group, there are seven different agencies that are all involved in that and a whole community of forty-plus stakeholders that are involved in the Remedial Actions Hamilton Harbour that we're very pleased to see the work that's gone on, and you have our support for Plan 2014. We're glad to see that although it's taken a long time we seem to be at a place where we can support your endeavors. Tys Theysmeyer who just spoke to you is one of our members of our implementation team in Hamilton Harbour.

The other thing I'd like to say is that you may hear, as some questions have indicated, concerns from riparian property owners. But I would ask you to keep in mind that the actions that have been taken, if you compare the natural flow regime compared to one of the managed flow regimes, riparian landowners still have reduced impacts from the natural flow regime if there was no Moses-Saunders Dam. I ask you to keep that in mind because there are also private landowners who own wetlands and other natural features.

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The Royal Botanical Gardens is one as an example. They own over 300 hectares of wetlands and natural riparian lands. Those wetlands of the Royal Botanical Gardens service the fish community, the wildlife community of Western Lake Ontario; they're extremely important to that whole eco-system.

In closing, I'd certainly like to encourage you to make a decision. We were very concerned the last time around that decisions seemed to be held in abeyance. As it has turned out, perhaps that was a good thing because 2014 seems to have taken into account the interests and certainly you have the support from our group in Hamilton Harbour.

The Remedial Action Plan for Hamilton Harbour started in 1985. We're hoping to finish all of the various initiatives to improve water quality and the environment by 2020. By the time we have finished, almost $2 billion will have been invested by private industry and the public sector to make these improvements to Hamilton Harbour. One of the main things we have no control over, but you do, is the water level regime in Lake Ontario. For us to delist and get full value out of that investment, we're encouraging you to approve Plan 2014.

**Gordon Walker:** Thank you Mr. Hall. I think we have some questions.

**Lana Pollack:** Mine is only a comment, and that is: thanks. It's people like you who serve on our PIAG and HHRAP committees and volunteer and bring the expertise. It's really important and these lakes depend on you and others, so thank you.

**John Hall:** Well I can say that most people involved do it with a passion and thank you very much.

**Ben Bouchard:** You said that you didn't approve of the 2007 Plan. What is the main reason why today the 2014… what makes the biggest difference between the two Plans?

**John Hall:** The biggest difference between the two Plans is that the present Plan as pointed out in your graphics better mimics the natural water level regime of the Great Lakes. Now your opportunity for deviations do recognize the critical stresses that the public may just not prepared to tolerate at the low end and the top end. But it's that mimicking of Lake Ontario water levels that is so important. Two things were happening: we were losing the fluctuation of water levels as Tys Theysmeyer pointed out and that means that the diversity of plants and animals that can grow and for animals to find habitat is diminished. The other thing that was happening was in order to manage water levels you were shifting the seasonality of the water level change. By coming back to a more natural regime, you're putting in place what all of these plants and animals anticipated, and they're not very good at adapting. They're like a light bulb; it's either on or off in some cases if they don't have the right conditions.

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**Ben Bouchard:** Thank you.

**Gordon Walker:** We'd be glad to have your update on how the Hamilton Harbour Remedial Action Plan is continuing and the progress that's being made. Just a little aside here but it might be useful.

**John Hall:** I can give you the one minute version. We're very pleased with how things are moving along. The Harbour itself, phosphorous is our big nutrient that we have to control. When we started the Remedial Action Plan it was at about 80 micrograms per litre in the Harbour, which is hypereutrophic... Now between 35 – 40 micrograms per litre. We have tertiary treatment going in to our two biggest waste water treatment plants and when that work is complete and it should be completed by about 2018, we project that we'll be able to reduce in half again the phosphorous levels down to about 20 micrograms per litre which all things being equal should give us the kind of conditions we hope to see in the Harbour. You may have heard of the Randle Reef Remediation Project. That project is very close to moving ahead but I think that this is the closest we've ever been. We have the funding in place. We have the environmental assessment approval in place. We are just pulling together the last of the partnership agreements with the different partners who are contributing and participating in that project. Our attention now is turned to the water sheds and we hope that we can reduce… our tagline now is that we're putting the Harbour water shed on a phosphorous and sediment reduced diet. That's the last major undertaking. That along with the water level regime that would complement what we need in the Cootes Paradise Marsh and other areas should do the trick we hope.

**Gordon Walker:** Well that's an accomplishment…

**Joe Comuzzi**: Have they decided yet whether to remove that sediment or just cover it?

**John Hall:** It's a decision to contain it in situ. It's a very massive volume; it would more than 3 times fill our Copps Coliseum. There's 650 thousand cubic metres involved. We'll contain the worst of the material and then we would dredge the surrounding material and it will be put in that containment cell and then capped and secured in situ.

**Joe Comuzzi**: Was there not some time spent on taking a look at the containment that they did in the Harbour in Thunder Bay where they contained it with the same materials that they're trying to propose for this containment and that hasn't proven as successful. The containment system hasn't proven as successful as they once thought it would. Now that we're talking huge amounts of money, that maybe the difference in… this is what the scientists are going to have to come up with: a decision. I don't have the answer. I don't know who has. Now that they have the technology to get rid of that material, it may be wiser to remove it rather than contain it.

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**John Hall:** Our examination of it, and we worked with a very large stakeholder group as well, didn't show that there was the technology to remove the massive amount of material that we have and destroy the material. It is very heavily contaminated in its worst condition. It was felt that the safest and most secure technology was the in situ containment that we are looking at. We anticipate that we will not have any leakage from this site and we think that we have the engineering that we have confidence in.

**Gordon Walker:** That basically concludes the cards that we have here. Are there any people in the audience who would like to come forward and make some comments?

Well this seems to be a universal acceptability of the Plan that's being proposed with some modifications here and there but that's good to hear. I think we heard somewhat differently in the last 24 hours, so it's good to get some separate views. So we want to conclude by thanking you very much for coming. We appreciate you coming out on a night like this. You do have additional time to submit something in writing so please go ahead and do that. There's also a Town Hall meeting being held on the telephone on July the 24th and if you access our website you'll be able to find out when that is and oral comments can be made at that time as well.

So, on behalf of the International Joint Commission thank you very much for turning up tonight and we wish you well.

***End of Transcript***

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