



**Public Hearing - Rochester, NY
International Joint Commission, Canadian Section - LOSL Hearing
Proposal for Lake Ontario St. Lawrence River Regulation
July 16th, 2013**

Lana Pollack: Good afternoon. Just a quick show of hands, how many of you were here part or most of the morning this morning? Okay, so the rest were not. How many of you were with us Sunday night? A few again but mostly new... Thank you for joining us.

My name is Lana Pollack and I am one of the Commissioners. I am also the U.S. Section Chair. There are 6 Commissioners; 3 Canadian and 3 U.S. A Chair is appointed by the President and the Prime Minister respectively. We are here in our capacity as members of the International Joint Committee under the Boundary Waters Treaty of 1909. Canada and the United States established the Treaty and the Commission to prevent and resolve disputes on matters relating to the thousands of miles of waters that we share. It's not just the Great Lakes, but it's the waters from the Atlantic to the Pacific including also the Yukon/Alaska boundary water.

So let me ask my colleagues to introduce themselves and we will proceed.

Dereth Glance: Good afternoon, I'm Dereth Glance, U.S. Commissioner. I live in Syracuse, New York. It's great to see you all.

Benoît Bouchard: My name is Benoît Bouchard, I'm a Canadian Commissioner just appointed recently, and I'm pleased to be with you.

Rich Moy: My name is Rich Moy, I'm a U.S. Commissioner from the West and I'm starting my 3rd year on the Commission. Glad to be here.

Gordon Walker: I'm Gordon Walker, Commissioner with the IJC from Canada. Recently appointed, and had a term 20 years ago on the IJC so I have some familiarity with some of the existing issues. And sitting down right now before he realizes it, I'm introducing Commissioner Joe Comuzzi who is the Canadian Chair.

Joe Comuzzi: I've always wanted to be introduced by you Gordon. Madam Chair thanks very much. I come from Thunder Bay. We got lots of water up there, and we ship it down to

you every day; 13 billion litres a day we ship out of where I live. We don't intend to stop but you've got to start using better than what you're doing. *(Laughter)*

Lana Pollack: Today specifically we're here to consider... this is a technical hearing that is required under the Treaty whereby any consideration of a change of an Order to an existing control on any of the boundary waters requires us, and it is our pleasure, to go out and hear from all affected, all interested parties. So what we have here is a proposal. The proposal was made to us by people that we authorized to work on it but we weren't at that table. We're looking at what they have considered. We are asking you to look at it, to respond. I'm just saying this cake is not baked; it's in progress. Your voice is very important. We will take written submissions on the matter until August 30th, and written works just as well as spoken so if you want to add to your remarks, if you know people who can't make it, please let them know they can do that. We'll also have further hearings in this area; people can travel. Finally we will have one more telephone call-in if people wish to participate. We had a previous telephone town hall meeting, there were close to a thousand people on the line although a scant number chose to speak but they were there for the opportunity.

What I want to tell you is that the Treaty between the 2 countries, as I mentioned, requires us to listen to all impacted parties. And also it requires us to consider several interests; we cannot consider just one set of interests. The Treaty recognizes there can be conflicts of interested people using the same waters but we are required to be sensitive to several of them.

In the 1950's the governments of Canada and the United States asked us to approve a regulation for a constructed dam and controls at Cornwall and Massena in Ontario and New York. What we will see in a brief PowerPoint presentation will be evidence of the fact that the governments asked us to consider among the other factors, capability of suppressing the variability or the fluctuations of what would have been the natural water levels without any dam in that place.

In the 50's with Plan 1958 D, that's what the Commission did. So we established a Control Plan that compressed some of the natural fluctuations in the waters, both on the high and low. What has happened in the succeeding decades is that there has been recognition that the suppression of those fluctuations has caused a loss of some of the considerable amounts of the wetlands, both in the quality and quantity of the wetlands. That is the science behind this.

What I recognize now is that there are conflicting interests. We are here to hear that, but also to hope that in listening to each other that people and interests will begin to work with each other to see how we can get more of a plan that is win-win for as many interests as possible. We had a very successful technical hearing this morning; successful in that I think

everybody in the room learned something new from somebody else, successful in the sense that people were very polite in their presentations and successful in the sense that the IJC Commissioners know that we have even more things to think about than we did at the beginning of the day.

So right now we're going to watch this PowerPoint and then we'll have people who have signed the cards to speak. If you have not done so please step out and do so at the registration table. That way when we come back we'll be ready to hear from you.

(PRESENTATION IN PROGRESS)

Lana Pollack: Thank you very much for your attention to that. I have about 26 individuals who asked to speak, so we're going to have to stick to the timeline. Three minutes is not very long and I recognize that but three minutes is what we have. I'm going to call 3 names in a row and ask as you're on deck if you can take a seat in the front and then as soon as the individual concludes at this table, you start coming up here if your name's up next.

We have timekeepers to help you out. There are ping pong paddles but no ping pong balls.
(Laughter)

Green will signal to show you have a minute left and red will say you're done. Remember if you go over you're taking from somebody else. Remember you have other ways of submitting longer, more detailed information you'd like to share. We do read what we receive; we read all of it, we will get it. The other thing, if points have been well made over and over, just refer to those points. We are listening. And finally, we had a very successful hearing this morning and most of our other ones have been successful too. As long as people are not rude we can conduct our business and we can hear from you. If you feel inclined to clap at the end of somebody's presentation and express your appreciation or agreement please feel free to do so, but I will not tolerate any negative expressions: no booing, no hissing, no oral like "BLAAA." Remember the manners your mother taught you. If you don't, I will adjourn the meeting briefly and that too will come out of some other innocent party's time. So I'm sorry if you don't like the rules, I already see some head shaking, but this morning we had a great exchange and look forward to that now.

So let's start. There are a handful of people who are elected representatives who will go first but we'll have time for everybody. Katie Lashomb, representing Congresswoman Louise Slaughter; if you would come up please and thank you... Then it's going to be Josh Jensen, representing New York State Senator Robach. After that we're going to have Assemblyman Bill Reilich.

Katie LaShomb: Good afternoon, I'm Katie LaShomb from Congresswoman Louise Slaughter, Rochester District Office. Congress is currently in session so Congresswoman Slaughter is hard at work in Washington on our behalf. She asked me to represent her today and I consider it a privilege to join you here.

Congresswoman Slaughter's pleased with the opportunity to address the International Joint Commission's public information session, and she thanks the IJC for making today's dialogue and others throughout the week possible. Input and participation in the process is imperative and she encourages continued engagement with the vital process.

Congresswoman Slaughter has written to the IJC regarding these important public information sessions and she appreciates the IJC's willingness to make today's dialogue possible.

As many of you know, in March 2006 the IJC concluded the 5-year study to update the existing 1950's era water management plan for Lake Ontario and the St. Lawrence River. Congresswoman Slaughter worked hard along the side of her Republican colleague and friend, Congressman John McHugh, who as you know currently serves as the U.S. Secretary to the Army, to secure funding for each of the 5 years of the study. She knows how important the Great Lakes are to local communities.

The IJC is currently proposing a water management plan know as Plan 2014 which aims to restore the natural ebb and flow of Lake Ontario/ St. Lawrence Seaway. For decades we have lived with the current regulation Plan which has maintained the water levels between a 4-foot range. Congresswoman Slaughter understands the current regulation Plan is outdated and has been the cause of significant damage to our ecosystem, wetlands, beaches and shoreline. However, the Congresswoman has heard from many of her constituents regarding the IJC's proposal and understands these concerns. Risk of flooding and erosion, a need for mitigation should homes and infrastructure be damaged. Congresswoman Slaughter is concerned about local ramifications of a new water management Plan on residents, businesses and municipalities along the south shore, and urges these concerns be taken into account.

For these reasons, she has written on multiple occasions for pressing relevant agencies and to identify shoreline mitigation and best practices. Most recently, on April 19th, 2013, she joined representatives Bill Owens and Dan Maffei in a letter to New York State Governor Cuomo urging his administration to work collaboratively with the IJC to articulate specific steps to assist shoreline communities and property owners in the transition to a new regulation Plan.

Be assured that Congresswoman Slaughter continues to work with you, the IJC and all other stakeholders to work towards a new Order of Approval that accounts for all interests.

Lana Pollack: Thank you very much. Appreciate that. Josh Jensen.

Josh Jensen: Chairwoman Pollack, fellow Commissioners, thank you for the opportunity this afternoon. My name is Josh Jensen, I'm representing Joe Robach who is a Senator for the 56 State Senate District here in NY. Also I'm a Greece resident. I live down the street from Braddock Bay, which you heard about this morning, across the street from Cranberry Pond and a well hit pitching wedge from Lake Ontario. I was also happy to attend Sunday's public forum in Lockport.

Senator Robach represents 3 towns that have the northern border of Lake Ontario; Hamlin, Parma and the Town of Greece, as well as Rochester, home of the Genesee River and the Port of Rochester. The district includes Hamlin Beach State Park and Ontario Beach Park, two terrific lakeshore resources for the residents of Monroe County and Western New York. All in all, the 56th Senate District consists of almost 22 miles of Lake Shoreline.

Throughout the process for Plan 2014 and more extensively for Plan Bv7, Senator Robach has heard from thousands of constituents from across the 56th District. He and I have visited dozens of homes to see first-hand, to see and hear the concerns of the residents who live there. We've seen directly, as I'm sure you all have well, how passionate south shore residents are in terms of Lake Ontario regulation and its possible effects. While cognizant of the environmental reasons for pushing this Plan, south shore residents have a vested interest in the outcome of the IJC's recommendations. Senator Robach urges you strongly to take the apprehension of these residents who have first-hand knowledge of the natural power of the Lake and the effect her waters have on the shoreline into account. These residents for good reason have great concern that the implementation of this Plan will cause increased damages to properties along the Southern Shore of Lake Ontario without the proper mitigation remedies in place.

It is Senator Robach's hope that as this process continues as you hold more hearings both in the United States and in Canada, that the International Joint Commission will meet with the stakeholders involved in the progression of Plan 2014 including and especially those who live along the south shore and hear their concerns regarding all possible outcomes of any change of current Lake Ontario water levels. While Lake Ontario is one of our greatest resources in our area, we must avoid making it into a great threat for lives and properties of those who live and do business along it.

Through working together the IJC, shoreline residents, environmental advocates, recreational boaters, sports fisherman, power and shipping interests and the governments of the United States, Canada, New York, Ontario and Quebec can create a Plan for our shared resources that maximizes its potential and greatness for all shareholders involved in the process. Thank you very much and thank you for coming.

Lana Pollack: Thank you very much, and our thanks to the Senator.

Bill Reilich: Thank you very much. My District, the 134th Assembly District is including the towns of Parma, Greece and Ogden, so more than two thirds are lakeshore. Thank you for holding this hearing and allowing me to offer my comments. I'm here today not only as a New York State Member of the Assembly but one who has lived in the Town of Greece since 1959.

With this Plan I believe the trigger levels for deviations are set too high on the high water side and too low on the low water side. The entire purpose of being able to regulate the water levels is to maintain an agreed upon number that is as close to an ideal level which balances public safety, ensures minimal to no shore damage and is acceptable to Congress. If the proposed Plan is now allowed for the water levels to go to further extremes, then I would question why we spent over many years countless dollars to study and implement particular infrastructures which already regulate water levels. The new Plan is intended to ensure that the Lake reaches trigger levels which are extreme. The operational part of the Plan does not protect to prevent damage from extremes, and there's no guarantee to those extremes. And there's no guarantee that they won't occur as often as possible.

Let me first speak to lake levels that will be on the high side. With the Plan 2014, it is said that the Lake on average will be only a couple of inches above the current Plan but what you leave out is there will be a 5 fold increase over the current Plan levels of above 247 feet. This would occur during the months of April and May when the most violent storms occur. This elongates the period of high water and when you lengthen the time when water is at its highest you are increasing the exposure of storm damage to shoreline property. There's no question the climate is changing. We can debate if it's manmade change or a natural cycle that is occurring, but we can all agree that the periods of more extreme weather periods all over the country and the world are occurring; we're seeing it with hurricane winds in New Jersey and Long Island, multiple intense tornados and a variety of extreme weather biennium. This combined with a longer period of high levels on the Lake is a certain recipe for disaster. Once a lake reaches these extreme high or low levels the Board of Control, we must go to the Commissioners and ask for permission to let more water out or hold more water back. Can you say "no?" Can they say "let's wait?" What would you have said in December of 1972? I often at times ask how long does it take from the time the decision is made to lower the Lake level until the desired level is reached? How much damage has already been done? Can you even make a difference with the levels that are too high or too low, or is it a runaway train that is impossible to control?

For those of you who may not be familiar with the lakeshore in the Town of Greece, let me describe it to you. Many times since lakefront property is viewed as preferred land, you will find larger homes with sizable yards. A mile of shoreline might see only a half a dozen

homes. This is not the lakeshore in the Town of Greece, for almost the entire lakeshore a town has been developed many years ago as residential property with nearly no open space. Most of all the homes were built many years ago as small cottages. As a result it is not uncommon to see smaller homes, some were built originally about the size of a garage, maybe only several hundred square feet in size; most only 10 to 15 feet apart or closer to their neighbor. What this means is a mile stretch of shoreline you could have over a hundred homes. As a result, with the high density area of our town, with minimal increases in the water level you could displace hundreds of residents. The financial impact because of high water damage would also add up quickly to a staggering amount. We saw this with the remnants of Hurricane Agnes.

To address the aspect of the longer low level periods, we need only look to Braddock Bay in the Town of Greece. At Braddock Bay, if the level is held to the lower extreme for longer periods as this Plan suggests, the water would only be inches high to the entrance of the Bay. This is during the acceptable low level periods. The Bay is designated as safe haven to boaters and removing this safe haven for longer periods of time, the closest safe haven would be approximately 7 miles away – a long distance when faced with a boating emergency.

This Plan makes me extremely concerned on many levels for safety and wellbeing of so many individuals. Many believe the environment is helped only in extremes. Since I believe the IJC wants to help the environment, what will you be willing to do when requested to adjust the Lake level? Since this would be viewed as stopping the environmental benefit, and if all the environmental groups are opposed to deviations, how willing will the Commission be to help the plight of the residents of our town? We need to re-think any Plan that lengthens extreme levels and work toward an acceptable Lake level for the various times of year with minimal deviations. This is something our current technology that we have in place can do.

And speaking finally on the environmental concerns, we have seen thankfully that our planet as a direct result, our wildlife is much more resilient than we often realize. I grew up in the Town and attended Greece schools in the 60's; we learned just how polluted our Great Lakes had become. We made changes and the lakes came back faster than anyone thought was possible. More often than not, species that are near extinct such as the bald eagle have come back in a much faster period of time than any of us could have imagined. I'm not suggesting we do anything to harm our wildlife; I'm merely suggesting wildlife is able to adapt and flourish in the Great Lakes now and continue to do so as we go forward with continues responsible Lake level regulation that allows the progression of commerce and our homeowners to safely coexist. This should be our focus as we proceed. Thank you very much.

(Applause)

Lana Pollack: Thank you Assemblyman. John Auberger please, Town Supervisor of Greece. Then it will be Laurie Crane and Paul Flansburg

John Auberger: It's a pleasure for me to be here today. I'm joined by our Council Representatives, Curt Morris and Mike Barry. We're here to speak against the Plan 2014. There are a number of problems with this Plan that I will focus in a few specific areas of concern within my time limit.

First and foremost, the people of the lakeshore have invested in their properties under guidelines which have been in effect for over 50 years. The limited information available makes it clear that a decision to change these regulations had been made without detailed understanding of how people living on the Lake will be affected.

Last year the Town of Greece, which by the way is the largest municipality in Monroe County outside the City of Rochester, asked how any plan can be considered when there are no FEMA (Federal Emergency Management Act) risk maps detailing the effects of these proposals would have on our lakefront properties. How can any changes be considered before the D.E.C. completes a study that provides a basis for understanding the potential impacts of Plan 2014 on the shoreline near shore infrastructure and the environment along the South Shore of Lake Ontario? To date these issues have not been addressed.

The changes to Bv7 that are incorporated in Plan 2014 do not satisfy the concern of homeowners of residents along the South Shore. The new triggers for lowering the water levels still do not protect our homeowners from increased flooding. In reality a 1% event will now happen with greater frequency because of the proposals of manmade changes.

I would also like to comment on the economic impact of a study that was done in support of changing the water level. The study points out that the value of lost material is not determined since it was the advice of the economic advisors that this could be considered equivalent to the value of land gained elsewhere in the system through accretion. While it is important to emphasize that the devastating impacts of sustained higher water levels will have on the owners of lakefront properties, the true effect of the potential devastation will be felt throughout our community. In the Town of Greece, as I mentioned a very large community, we have approximately 974 properties or parcels located in the affected area with an assessed valuation of over \$227 million dollars. Of this total, 648 of those parcels are located directly on Lake Ontario, with the remaining properties located on our various ponds in the near vicinity.

The consequences of property lost to our community would have a devastating impact on the taxing jurisdictions such as were mentioned, and my colleagues and elected officials

will be here to speak afterwards on that. Currently over \$8.6 million dollars is generated annually through property taxes and special district charges for these parcels. We believe that the study is flawed in its methodology and does not consider the impact of property loss to total communities.

The study promotes the theory that if a house on the Lake is lost due to the water, there will be no loss of tax revenue because taxes would be shifted to the next inland row of homes, which is kind of ridiculous. It is unrealistic to think that the inland row of homes, in other words the ones across the street after it got wiped out, would absorb the tax burden for the current taxes and the revenue situation that we have. AS I mentioned, this reasoning is dubious not to mention a bit more on the callous side. So I do take issue with that.

But it's also important to point out that there would be numerous public investments that would be affected by lake level. We have public roads, sanitary and storm sewer areas in that area, pump stations, parks and water treatment facilities that would be at risk. We also, as I mentioned, the water treatment facilities in the Town of Greece in Lake Ontario is the entire intake area for the Monroe County Water Authority system, so that would definitely come under play in the event of a flood.

With that, I realize my time is up. I had some more issues I'd like to discuss. I will submit my remaining comments for myself and the members of the Town Board in future communications.

Lana Pollack: Thank you Supervisor Auberger and we will read those at some point. I apologize for the lack of time today.

John Auberger: I'd like to thank you Madam Chairman, and the Commission for your time.

(Applause)

Lana Pollack: Mike Barry, then Laurie Crane, Paul Flansburg, Jeannie Collamer Randall

Mike Barry: Well I just wanted to say thank you to the IJC for allowing us to come here and speak today. Following Supervisor Auberger and Assemblyman Reilich, I'm going to be echoing their points. And I know we appreciate the opportunity to say them.

I am the First Ward Councilman in the Town of Greece and I am proud to represent those folks and a lot of them around the shoreline. Amongst that shoreline there are over 930 folks who consider themselves homeowners. I was glad to hear Chairwoman Pollack mention that this Plan is not finalized and that the cake is not "baked." I'm glad to hear that because that means there's still time to turn off the oven.

For the reasons mentioned by our Supervisor and Assemblyman, I'd like to echo that this is not a wise decision for the Town of Greece to accept that and at the Town Board meeting

tonight that we have at 6pm in the Town of Greece at Town Hall, we will be presenting a resolution against Plan 2014 for the very reasons that the Supervisor and the Assemblyman mentioned. We take it as no slouch... the job that the IJC has done but we just want it to be known that it does not benefit those lakeshore residents in the town, and it is our job to protect our residents and their homes and that is why we're here today.

Again we thank you for your time for listening to our words and for those that are interested we will be posting up that resolution against 2014 and they are free to read it after tonight's meeting. Thank you for your time.

(Applause)

Lana Pollack: Thank you Councilman Barry. We appreciate that. Laurie Crane, Town of Huron Supervisor.

Laurie Crane: Good afternoon. I would like to just take a few minutes this afternoon to talk about the 1909 Boundary Treaty and the establishment of the IJC. I did a lot of research and the IJC is the entity created to administer the Treaty and protect the interests of both countries, and the Commissioners were intended to be non-political and impartial. In a speech by Sir George Gibbons, one of the chief negotiators for the Treaty from Canada, in 1916 he stated: "*the Commission is not a diplomatic body in any sense. It is a judicial body sworn to decide in accordance with justice. If the members of the IJC seek in any case to obtain an unjust advantage, the Commission will be a failure and its members will find it impossible to continue their work successfully.*"

The Treaty is perhaps the most important bilateral agreement between Canada and the United States over the past century. It is provided a foundation for cooperation on shared natural resources on the basis of equality between the two countries. Yet these groups continue to come up with Plans like Bv7 and Plan 2014 that unjustly cause damage to the communities in the South Shore of Lake Ontario. There are some key principles of the Treaty, and I won't go through all of them, but one of the major one's is: Order of precedence of use; sanitary and domestic are first; navigation, power generation, irrigation.

Another key principle: *must not pollute water on either to the injury of health or property on the other side.* Then it posted some IJC principle of operation: complete equality between the two countries. And my point is full public involvement. We have a Planning Board in our town that has open public meetings to decide any changes in our town. These meetings are not behind closed doors with only special interest groups involved. The principles in the Treaty are as relevant today as they were in 1909. As required by the Treaty, the IJC is to involve the public in all of its activities, yet after B+ the meetings have been behind closed doors with input by environmental groups only. Thank you for your time.

(Applause)

Lana Pollack: Thank you. As a response to this last comment, for anybody who would like to know who was present in the meetings that the Supervisor is referring to you can go online and that's posted. No secrets. You'll see that the Commissioners were not there which is why the decisions were not made in those meetings. The decisions are going to be made after August 30th when we have all the input. Thank you very much.

Okay, so I think Paul Flansburg is next. Yes. Then after Paul, Jeannie Collamer Randall and then Thomas Gregory Jr

Paul Flansburg: I first want to express my appreciation for holding this additional comment period. I live several miles away in Lima yet it's my Great Lake too. Williamson and Lockport are much less accessible than you.

If this was just a conversation about someone's backyard pool I would not be here. Plan 2014 takes that reality into account. Lake level regulation is considered for preserving natural occurring ecosystems. However as a body of water that provides shipping, hydro-electric power and recreation, these concerns are also met. Plan 2014 has the support of 42 environmental conservation and sportsman organizations for its balanced concerns. Understand it's not necessarily a quick fix for marina and shoreline preservation, but it was not designed to be; it's a balanced approach.

I ask: where does everyone go to find wisdom regarding problems with ecosystem deterioration? I go to organizations like the Sierra Club, Nature Conservancy and other members of the HOW: Healing Our Waters Coalition. I go to schools like SUNY Environmental Science and Forestry. They respect our Great Lake involved issues that goes beyond someone's backyard pool. Like them, I support Plan 2014. Thank you.

(Applause)

Lana Pollack: Thank you Mr. Flansburg we appreciate that. Jeannie Collamer Randall and then Thomas Gregory Jr. and then Wayne Howard please

This morning at the break, I heard about people talking about talking with some other people they had not spoken with before. The IJC will make its decisions on the basis of all we learn here and otherwise. But it would also be good if people... But the point is, governments will no matter what we decide, the governments will still have a lot of money that they'll either spend or they won't spend, since we're not a taxing authority, and it would be helpful if different interested interests came together insofar as you can come together and speak to your governments in one voice rather than conflicting voices. If you can find points of agreement through this process, that's another benefit that can occur. But it's nothing obviously that we can either impose or do anything other than suggest.

Thank you ma'am and thank you for coming

Jeannie Collamer Randall: I think this is an unfortunate setup that you have my back to the audience. I think you could do better!

Lana Pollack: Okay, we'll take that into consideration and thank you very much.

Jeannie Collamer Randall: -this evening when you're up in wherever.

Good afternoon, I am Jeannie Collamer Randall. My family has owned property, including wetlands along Lake Ontario for close to 100 years. I want to speak to you, the IJC, the American members in particular. I think you have forgotten that the government is supposed to act the will of the people. We do not feel represented well. Our family alone has spent close to \$20 000 to try to protect our remaining 50-foot of lakefront property that once was 150 feet deep with beautiful natural sandy shores. That was never needed before the IJC tampered with the lake levels. You cannot use the word natural with the Dam in place. A short time ago on the NBC evening news, it was reported that the water in 4 of the Great Lakes: Superior, Huron, Michigan and Erie, is remarkably low. This is a natural occurrence. Shippers don't like it because it interferes with commerce. Their wetlands are natural.

Lake Ontario however is a different matter. Our lake level is controlled by the IJC; the International Joint Commission between the U.S. and Canada. As a property owner on Lake Ontario, I wish that weren't so. With low water Lake Ontario could repair its South Shore. We could see our sand dunes rebuilt as a natural barrier to protect property.

...He's falling asleep!

Gordon Walker: No I'm listening intently. I listen better with my eyes closed. *(Laughter)*

Jeannie Collamer Randall: Without the manmade Moses-Saunders Dam at Massena New York, Montreal would not have been made an artificial deep water port, which high lake levels are needed to maintain. Lake pests such as zebra mussels and round goby fish wouldn't have found their way into our fragile, freshwater ecosystem. These are from this spring on our beach; hundreds of round gobies. These came into the Lake you know how? Round gobies, stinky, many, hundreds of round gobies...

Since the IJC has done such a poor job with managing Lake Ontario levels, I'd like to see the Dam removed. Our beautiful beaches would be returned and we would have truly natural lake levels again. The 1950's Plan promising lake levels between 243 and 247 feet has been a joke. Lake Ontario has been held unnaturally high, mostly at the 246/247-foot level and higher in stormy times. Our family has personally lost 100 feet of property and beach. This is documented with deeds from the 1940's forward.

Is this high lake level for shipping? At what cost to our environment? Is it for hydro-electric power profits? I'm sure the cost to municipalities and property owners on the South Shore rivals those profits. But we don't collect money for damages. However we do have to continue paying taxes to New York State for property that is now literally underwater.

I think the best solution for Lake Ontario is to remove the Dam. Environmentalists and property owning environmentalists would all be on the same side in asking for a return to nature. Our country has learned the hard way, through tampering with rivers in the North-West and almost losing our beautiful Everglades in Florida, that man does not know best.

Remove the Dam at Massena. Allow our Lake to be naturally clean and beautiful once again.

(Applause)

Lana Pollack: Thank you very much. Appreciate that point of view. Thank you again.

Jeannie Collamer Randall: Okay, do it! Lower the Lake.

Lana Pollack: We don't quite have the authority that we might wish. You and I could probably get together and fix things but we haven't been granted all that much power. But I'm serious; this lady's point of view is very important as is Mr. Gregory's, and look forward to hearing from you.

Thomas Gregory Jr.: I have a little different opinion about government, and I think government is the answer; is a solution to our problems and not the cause of them.

One of the things I would favor of course is a higher water level maintained. The reason why is almost intuitive: that every bit of water that flows through that water gets to the sea, the more saline it becomes and on this side of the Dam we have potable water. I've read articles, I've seen pictures; I don't know if they're actually accurate. Lake Michigan being down, and Huron being down and Superior being down... One of the caveats I would have that would go along with maintaining a higher water level would be if there's a way of retaining water so we could actually increase our reservoir up in the greater lakes. I think that would be a solution that in the long-term would benefit us.

My biggest concern I would say with the Commission, and I refer to a person named George Rafter who worked back in the 1900's with a Dr. Fairchild, who were from the Rochester scientific community who were looking at drawing up programs for retention of water, not in the lakes themselves but in the tributaries. And my biggest concern with the Commission would be that you don't write the regulations that would take from local areas or States' governmental entities the ability to write programs that would retain, or find ways to retain water in local areas. The restriction of George Rafter, who happened to be the father of sewage treatment so he's a credible source, George Rafter was looking at ways

of maintaining water in the Genesee River so they could fill the canal prism as the canal prism barge canal grew wider. It went from 8 feet I think to... well it's pretty big now.

My point is we don't write restrictions that take out of the hand of local authorities the ability to find ways to retain water in the tributary sources. I think in the long run by favoring or helping such organizations to develop such programs it will serve all of our Great Lakes in the long run. Thank you very much.

Lana Pollack: Thank you Mr. Gregory. We appreciate that perspective. We'll hear from Wayne Howard next and then John Keibert and Cheryl Stevens. I'm taking these in the order in which they registered.

Wayne Howard: Hello. My name is Wayne Howard and I love the Great Lakes. I grew up on the Shore of Lake Erie spending summers at my grandma's cottage on Sunset Bay fishing with my dad. Now I live in Rochester; a beautiful Great Lakes city on the Shore of Lake Ontario. I'm Co-Chair of the Sierra Club bi-national Great Lakes Committee and Chair of the Sierra Club Atlantic Chapter Great Lakes Committee.

Dear Commissioners and other interested parties, I would like to take this opportunity to thank the IJC for your painstaking work over the past 13 years to develop a balanced plan to regulate water levels and flows for Lake Ontario and St. Lawrence River.

Our Committee's message today is simple: the time for study and planning is over and the time for implementation is now. We call on the IJC to enact Plan 2014 as soon as possible. Lake Ontario is the most stressed of all the Great Lakes as was shown in the results of the University of Michigan's GLEAM project released this past December and there was a slide in your slideshow this afternoon. Our current stable Plan 1958 DD, which has been in place for 53 years, is a major contributor to this environmental degradation. This degradation will only get worse given the additional stresses of climate change.

Lake Ontario is a living, breathing ecosystem. Plan B+ which the IJC first introduced in 2006 will restore some of the natural lake fluctuations which will help restore healthy wetlands and habitat, improve biodiversity and rebuild the shoreline. It is not a return to pre-1958 unregulated levels as some news reports have indicated. Nor will it increase flooding. In fact the restored wetlands will decrease flooding. Plan B+ has now undergone at least 8 revisions, most aimed at helping the south shore landowners. We believe that the addition of trigger levels and a robust Adaptive Management Plan make Plan 2014 implementation ready. Despite the IJC's efforts to accommodate those who have been blocking Bv7, it's becoming increasingly clear they will not accept any Plan other than the status quo 1958 Plan.

As I heard in a recent news interview, “if it’s not broke don’t fix it.” Well it is broke and our lake is in trouble. The Great Lakes belong to all of us. The IJC has the authority and the duty to regulate water levels under the 1909 Boundary Water Treaty. This Treaty calls for a balanced approach where no use shall impair the benefits enjoyed by others. Yes the Great Lakes are commons, and they have been defined in the courts of all 8 Great Lakes States to be a public trust. Public trust uses include: navigation, commerce, hydro power, fishing, swimming, recreational boating, coastal habitat, fish spotting and drinking water. Yes riparian rights must be protected to the extent that those rights do not interfere with these protected public uses.

The current Plan 1958 DD is in violation of the public trust and has been in violation of the public trust since scientific and observable data has shown how the ecosystem has been damaged and the public trust uses are being impaired. The public trust doctrine uses prohibits the use by government or others that subordinates or materially impairs the public uses or purposes of one of our Great Lakes or connecting waters. In addition conflicting public trust uses must be balanced and we believe the balanced approach proposed in Plan 2014 does an admirable job of balancing all these interests. And the time for implementation is now. Thank you.

(Applause)

Lana Pollack: Thank you very much. We’re going to hear next from John Keibert, followed by Cheryl Stevens and then David Bell

John Keibert: I’m John Keibert, a resident of Rochester and I thank you for having a session here in Rochester.

I understand the lake level regulation plan put in place in 1960 has eliminated the natural cycles in Lake Ontario and the St. Lawrence River causing serious damage to our wetlands and coastal habitats. At least 15 studies by 6 groups have been conducted on North American lake systems. These studies show that stabilized water levels hurt the environment. For example, plant species like cattails quickly establish dense mass where few other plant species can grow. Plan 2014 was developed with extensive input from stakeholders, experts and scientists from New York, Ontario and Quebec. Plan 2014 is a balanced approach that will create a more resilient shoreline. It is a compromise solution that restores more natural variation to the Lake, benefiting coastal habitats. Plan 2014’s triggers generally maintain the protections for shoreline communities the regulation has provided.

Muskrats are a keystone species which represent a stronger ecosystem. Allowing more natural fluctuations on Lake Ontario will enable muskrats to return to the coastal marshes.

The wider swings will also reverse declines in other bellwether species like black terns and northern pike.

While homeowners may see slightly higher breakwater maintenance expenses, these are far outweighed by the overall advantage to the State and healthier Lake and River wetlands which will support stronger populations of native fish and wildlife. The bird watching, boating and fishing that benefit from these improvements will bring in many additional millions of dollars. Similarly it is expected that Plan 2014 will increase hydro electricity production by over \$5 million dollars every year. Encourage shoreline homeowners to think broadly about preserving and improving the Great Lakes ecosystem.

As a scientist I'm impressed by the way Plan 2014 will manage water levels in a very sophisticated manner. Under the current Plan, lake levels fluctuate within a certain range. Plan 2014 includes triggers that changes to reflect the season. In the summer the triggers are higher, in the spring and fall the triggers are lower. If lakes and rivers start to approach these seasonally adjusted trigger levels, the IJC's new Board of Control is empowered to regulate water levels and protect shoreline properties before the triggers are exceeded. Adaptive management will allow response to climate change. Our lakes and rivers are a valuable resource. It is time to reverse the damages to these resources. To think about them as a public trust and to ensure that future generations have a chance to enjoy and inherit this world class treasure. I encourage prompt implementation of Plan 2014. We should not remain stuck in the science and regulations of the 1950's. Thank you.

Lana Pollack: Thank you very much. We appreciate that perspective and information.

We hear next from Cheryl Stevens then David Bell and then Shirley Dittman. Thank you.

Cheryl Stevens: Thank you very much for allowing us to speak here in Rochester so that we didn't have to go so far away. My name is Cheryl Stevens and my husband and I live in Hamlin, New York on the South Shore of Lake Ontario. Our family has owned a very small plot of land - 60 x 125 feet, for 65 years. Twelve years ago my husband and I bought the land and cottage from my aunt's estate, and 8 years ago we tore down the old cottage and built our dream house. We followed all the rules. It took us 2 and a half years to put our plans with all the changes required by New York State, the D.E.C, the Town of Hamlin, etcetera into place. We built our home within the FEMA rules of 251-foot flood plain. Our living room floor is at 251 feet above sea level. We had to move 60 foot forward from the middle of the road in order to follow Hamlin's plan. I kind of was emotional when I was writing this so I'm going to try to tone it down a little bit.

I felt the IJC tried to raise the levels of the Lake for 7 years with the same environmental plan knowing it would flood the South Shore of Lake Ontario and affect 5 counties with watersheds that empty into the Lake. The IJC keeps coming back with the same ideas and

just changes the titles of their Plans; B+ to Bv7 and now Plan 2014. The Army Corps of Engineers raised the flood plain from 251 feet to 253 feet 3 years ago in 2008. What does that mean? Does that mean that if we flood at 251 we won't be covered because the flood plain is now called 253?

I'll show you a picture. This was in the paper on June 12th this year. That's me on our front porch and you can see the Lake is right outside our windows. When the waves are ten foot high they hit against the house. That happened 71 times in 2012.

And then you did regulate the Lake that was high at the time and but I guess it took a lot of talking from whoever convinced you to lower the Lake 6 inches on March 19th, 2012 and then we were able to get 5 foot of beach so the water just lapped against the foundation rather than hitting our windows with stone and sand. The Army Corps of Engineers decision about the flood plains seems strange to us who've had significant erosion problems in the past ten years when the flood plain is at 251 feet, to say that we don't flood until it's at 253 feet.

The Moses-Saunders Dam was built with the South Shore residents' permission and the agreement included a 4 foot level for lows and highs; 243.3 feet and 247.3 for those of you who deal in metrics. Now when the IJC wants a Plan that will let the waters go 5 times higher than the original Plan, they don't want to hear from the South Shore and the problems that would incur. There were promises made to our ancestors when they agreed to letting the shipping and hydro-electric interests build the Moses-Saunders Dam, that we would be the most important stakeholder. Now we rarely are mentioned. We are not even invited to the closed meetings. Congresswoman Louise Slaughter had to set it up. We can come to observe but not speak at the meetings. We are able to partake by invitation only.

Montreal will be protected from flooding no matter what because that is part of the Treaty between Canada and the United States. The International Joint Commission prefers Montreal interests over the South Shore's problems with flooding. Montreal is protected but we are not.

We the South Shore owners and all the surrounding towns would be adversely affected if the rule is changed now. We residents are the environment on the south shore of Lake Ontario. We are the watchdogs of pollutants. We report situations that occur. And our homes and break walls are protecting the infrastructure of the South Shore.

Lana Pollack: Miss Stevens, if you have a concluding, you know statement... But if you continue the whole thing then we're going to have to lose the last 2 speakers tonight.

Cheryl Stevens: Okay. Did I mention the 71 days that we were hit?

Lana Pollack: Yes you did indeed.

Cheryl Stevens: That's probably the most important thing to me that doesn't happen again. I'm going to give you both this and the article that was in the paper.

(Applause)

Lana Pollack: We appreciate that, and your time in coming too. Thank you so much. David Bell, then Shirley Dittman and then June Summers

David Bell: Hello and thanks for all of you being here and staying awake. I am David Bell and I am President of the Baby Beach Association, which is a small neighborhood association in the Town of Greece with about 120 homes. I'm here today to address you and see if you can give us some idea of what might occur in the future for us.

The problem seems to be with the IJC water level plans seems to be in the process. The Plan has created some goals but doesn't show how to deal with the increased risk and deal with the results of these damages. We fear the IJC is eager to get something changed regardless of the consequences. The Plan is exposing the shoreline and the environment to increased risk with no plan for dealing with these risks. There seems to be no plan for dealing with future flooding and erosion, no plan for home destruction or reconstruction, no plan on how to repair damaged infrastructure such as sewers, roads, bridges, parks, boat docks and water treatment facilities. There seems to be no plan for dealing with loss of real estate values and no plan for dealing with increased costs for flood insurance.

That is why there is such a strong negative public reaction to this Plan. This Plan doesn't make all stakeholders feel comfortable and confident. The Plan makes the lake community losses seem like unavoidable collateral damage. This implies our losses are trivial. This threatens our greatest life investments: our homes. It affects our families' histories, as you have heard, and our futures and our communities.

Please go back to the drawing board and come up with a Plan that will cause no further damage to anyone. Or just leave things as they are. But build confidence in the International Joint Commission and the governments that represent us. We don't want mitigation for loss; we want preservation of our homes and our communities. Thank you.

(Applause)

Lana Pollack: And thank you very much.

Shirley Dittman: Good afternoon. First off my family, we're on Crescent Beach area on the lakeshore and we've been there since 1895. My great-grandmother from Dublin bought land there. We love it. We have a very emotional attachment.

During the 50's my grandfather said: "the St. Lawrence Seaway Project's going to start. They're going to have Lake St. Lawrence hydro power, navigation of large vessels." The

Plan predicted what property could be possibly damaged. From this Plan, unfortunately, approximately over 6000 people were relocated or compensated for their losses. But it also created a trust in property owners as my grandfather showed me, with the IJC. He said: “the shoreline owners will be protected from extreme high waters.”

We fast forward to 2013, and by the way this is rumors, but the neighborhood, IJC and other groups have had closed door meetings. Is this true? I don't know. But it's to promote Bv7 and Plan 2014. Also a rumor is there is a map and it shows how many homes will be affected; possibly up to about 2000. Rumor: this is not going to be presented to the public. A fact is the new plans that we saw the graphs to, the main promoting factor here is hydro power. Next is shipping; and then the conservationists with their viewpoints on climate change and the environment. All intertwined.

So we went to the 2012 Hillman public meeting and we were told by one of your reps, if there is property damage due to this new Plan, the property owner owns the damage. It has nothing to do with them, nothing to do with the government. Also in the same meeting, I think our Supervisor mentioned this, you shouldn't worry about taxes to the Town's supervisors because once the first line of homes are destroyed the second line of homes can now be taxed at a higher rate because they are waterfront property. And we all just sat there in amazement.

My conclusion the way my thinking is, and I'm sure pressure is on you from the federal government, but if we were facing a manmade disaster due to this Plan and it's promoted by the federal government, the Plan is claiming that it might help the wetlands yet the assumptions I've seen regarding Buckram where I live is incorrect.

If the government, any branch, takes my property for whatever reason; environmental, hydro power, shipping or climate change perceptions, then the government needs to develop a plan for their citizens. Prepare the citizens with a map of possible destruction, assist the citizens to protect their property, private or commercial or lastly offer a reasonable market value for the property. I want to thank you all for listening.

Lana Pollack: Thank you. I just want to respond to one point. We're not engaged in a point by point exchange because we're here to hear, but just to make clear: there were closed-door meetings. There were public hearings just like this in 2008. The Commissioners at that time, different Commissioners but still authorized Commissioners, they decided in 2008 after public hearings, not to go forward with the Plan that they had put on the table for hearings at that time. They then decided to go to the State of New York, the Province of Quebec, the Province of Ontario, representatives of the United States government and representatives of the government of Canada. Each of those governmental entities appointed somebody to sit at a table and talk about this issue. Those are the closed-door meetings that you- you're right; they were not open to the public. They were these

representatives of duly elected democratic governments that are involved. So your governments put some people at the table. Our people were there to listen and write and work things through. Those people, you can see who they were. It's not a secret. They were closed-doors but it was not a secret. If any materials, maps or otherwise that we are using to make decisions, they're on the website too. So we were not at those meetings. You were not at those meetings. But you're at these meetings. We're at these meetings. And we're all going to look at the same material.

So you're right: there were times it was all open and times where it wasn't but I don't want you to think there was material, that we have information that we're withholding. That part I assure you is not true.

Shirley Dittman: That's why I said "rumors," and I wanted to let you know because it's a perception.

Lana Pollack: And it doesn't mean that the Plan came out with something any of you like or don't like, but I just want to set the process straight. The process is not over, the cake is not baked and here we are. Now we're going to say thank you again Miss Dittman.

(Applause)

June Summers: I'm June Summers with Genesee Valley Audubon Society and I wanted to say thank you so much for this opportunity. The Lake Ontario belongs to everyone in New York State, and Canada. Let me start off by saying program 1958 DD has cost us ecosystem biodiversity and impacted the economics of this region. During the 50 years of altered natural flows for Lake Ontario and the St. Lawrence Seaway, coastal habitat and species have suffered. Birds that use marshes to nest in and feed in are marsh obligate birds. Wet meadow marshes in this region of Lake Ontario have declined by over 50%. The black tern, which is a marsh obligate species, has declined over 80%. Here in the Rochester area the black tern has been extirpated, and the black tern is a New York endangered species. The other marsh obligate birds also in decline are the American bittern, the least bittern, a number of species of rails, the common moorhen and the American coot. All of these are rare birds in the Rochester marshes along the South Shore of Lake Ontario.

We, i.e. Genesee Valley Audubon Society support Plan 2014 because it offers the opportunity to restore the biodiversity of the coastal marshes along the South Shore of Lake Ontario. Thank you.

(Applause)

Lana Pollack: And thank you, appreciate that Miss Summers. Sally Howard then Marie Riley

Sally Howard: Hello and thank you. I'm Sally Howard of Rochester, New York. All my life I've loved the Great Lakes; swimming, shell collecting, camping, boat rides and also I was enjoying my grandparents' cottage as a child on Lake Erie. I appreciate hearing everyone's comments here today.

Since 1960, we've been conducting a 712 mile long controlled experiment of what happens when you virtually eliminate the natural variations of lake height. We did not know in 1958 what would be the impact. We now have 53 years of scientific observable data telling us that there's a devastating loss and damage to lakeshore habitat, beaches, fisheries, wildlife diversity, protective wetlands and tributary health. Knowing the damage, and knowing what we can do to start to repair the damage, we are obligated to act and allow enough of the natural lake level variations to resume. The great news is this won't one billion dollars per acre to mitigate like cleaning up a superfund site. In fact the estimated \$17.4 million dollars a year that it would take to use technology to restore these wetlands, would be a free service of the lake variation.

Plan 2014 will start the ecosystem restoration in a balanced way. It's not changing the average level. It's not increasing the highest levels or lowest levels that we have experienced under regulation. Plan 2014 allows more variation within that same range. Lake level variations are key to a healthy ecosystem. Plan 2014 will ultimately help all user groups. The health of the lakeshore is the foundation of all our needs. Without the variation allowed by Plan 2014 we will continue to lose fisheries, lose beaches, lose species, lose birding and fishing and boating revenues, lose flood controls and lose water quality of water we all drink. We will continue to lose the beauty and life support and the economic resources of the Lake Ontario ecosystem that took 40 000 years to build. Fishing charters will have a bit more variability to endure but will also benefit greatly from healthier fisheries. Those who own lakeshore property are predicted to have increased break wall maintenance of \$2.2 million dollars a year. I hear your concern and I think New York State and federal can help with that. But lakeshore property owners will also greatly benefit from rebuilt beaches and improved fishing and better water quality.

Lake Ontario belongs to all of us including all the Lake users, the property owners, the businesses, the water drinkers, the public and future people of this watershed. We all depend on the long-term health of the Lake ecosystem.

(Applause)

Lana Pollack: Thank you very much. We appreciate that. We'll have Marie Riley followed by Sarah Rubin and then Ray Klitsch.

Marie Riley: I'm Marie Riley and I live on Bailey Beach. I'm only standing here as a simple homeowner and I'm only going to state the obvious, or that which I think in my opinion is. I

hear, especially from the person before me, that environmentally we must have fluctuations in the water level of the ponds and therefore we must yet again artificially alter levels of Lake Ontario. My husband and I lived on a bayou in Louisiana for 22 years and we're very familiar with the importance of maintaining a natural fluctuation of water levels on our ponds and streams. I guess everybody here knows that the Dam to protect New Orleans was ripped down because the ecologists fought it. I wish those ecologists would have been around in 1956 because we sure needed them.

I, along with all my neighbors along the Lake, am concerned with the balance of nature and quality of our water. If ecology were our only concern, I would have to shout out for the removal of the Dam and the return to the natural environment. One person already said that. But we all know that human interests precede that of that on Lake Ontario. It now becomes: how do we balance all the interests? Certainly not by solving one problem only to create yet another! We were told that when the runoff becomes excessive the sanitary system west of us can't handle it. The result: lake pollution. I ask: what would a flooding event do to that same infrastructure, to all our infrastructures?

What I'm hearing, what the real issue is here, is that hydro power and shipping take priority over infrastructure concerns and of course the entire southern shores of Lake Ontario.

Yes I can ask that you simply buy my house and I'll go away but what harm we do to the economy of the entire southern shore, the infrastructure, and yet another issue: pollution of our Lake. Let's be clear. You're "fix" only compounds the environmental issue that was created by the building of that Dam. What are we really talking about? Sacrificing our communities along with the quality of Lake Ontario for the sake of shipping and hydro power! Is this what we all really want? Thank you for allowing me to speak.

(Applause)

Lana Pollack: And thank you. Sarah Rubin please followed by Ray Klitsch.

Sarah Rubin: Good afternoon, I'm Sarah Rubin representing the Great Lakes and the Wetlands Committee of the Sierra Club. As an environmentalist I support Plan 2014's balanced approach which restores our coastal ecosystem and creates a healthier Lake and River. After all, the damage caused by 50 years of altering the natural flow of Lake Ontario and the St. Lawrence River is clear. The Lake is all over less alive than in natural system. It cannot rebuild its beach and sand dunes as well as if there were a more natural variation in the water levels, and erosion has left many beaches stony and pebbled and without sand.

Coastal wetlands have declined and become much less diverse because of the nearly constant water level. This unvarying water level from year to year allows only a few species

to thrive and they become monocultures like vast cattail stands. Cattails support only a certain number of animals, greatly reducing the number of species that would be possible with more water plan diversity. Wetlands are breeding habitat for many species of birds, fish and amphibians. Since regulation began the northern pike, the top predator in coastal marshes, has declined by 70%. The black tern, like June Summers was saying, which nest in diverse marshes interspersed with open water have declined by over 80%.

Restoring the coastal wetlands to a more robust and diverse state will allow more types of plants and will benefit the water quality of the whole Lake. There is research that shows that wetland plants that have greater contact with the water surface than do all those cattails have a much greater capacity for filtering and improving water quality. Wetlands also help to mitigate storm surges; their degradation or elimination, as we saw in Louisiana, turned extraordinary storm events into catastrophes.

Lake Ontario is a tremendous value to our State and region. We need to take care of it as well as we know how and Plan 2014 seems to be the best of the plans. Increasingly, a world class resource such as Lake Ontario is coming to be understood as a value not only for those living at its edge, but as a common good, a positive value for the wider population and for those who come after us. Whatever is decided for the Lake, towards its greater health or not will ultimately affect all of us. Both those in close proximity to the Lake like boaters, shore homeowners, sportsmen and women, and the tens of thousands of those of us who also live and work and raise our children in the Upper New York State area. We have a really great stake in the Lake also.

The availability of good quality drinking water and clean swimming opportunities are obvious benefits to a vibrant, healthy lake. The less obvious but just as real benefit will be a lake that drives a healthy ecosystem that supports the widest group of stakeholders, people and animals into the foreseeable future. Thank you.

(Applause)

Lana Pollack: Thank you very much, we appreciate that. Mr. Klitsch and then Rod Lowe and then Stan Johnston

Ray Klitsch: My name is Ray Klitsch and I am a property owner in Greece on Lake Ontario. I'm also the Vice-President of the Grandview Beach Homeowners Association which has approximately 220 homes on the beach.

Couple of concerns: First of all I am a newly transplanted resident. I bought a house on Lake Ontario after searching houses for years to find one that I liked, could afford and so on. I pay a humongous amount of tax to live on the Lake in comparison to the people that live in

Rochester side. I'm thankful that if my house gets destroyed that the people living in Rochester can increase their taxes to take care of what I can't pay. *(Laughter)*

My concern is your triggering points and how they get triggered. I have people here from the United States and people from Canada. I know our Congress can't work together because they're Republicans and Democrats. My concern is: lake level gets high, triggering point gets reached, Canada looks at Montreal, says more water there floods Montreal, you guys in the United States say South Shore getting flooded. What happens? Nothing for a while... I am sitting there gurgling water in my house while you're trying to figure out who is going to do what. That is my main concern. I don't know that much about lake levels and everything else. I know right now the Lake is high. We had big waves last week. When they hit my break wall my house shakes. I'm concerned 2 feet higher, which is your triggering point, when those same waves hit my break wall the force is going to be tenfold. But are you guys going to bring the Lake down quickly? Can you bring it down quickly? Is the decision going to be made quickly? If I do have damage, where does the money come to pay for it?

Big winner, I'm reading it right off your thing here, electric companies. We're looking for money to be set aside. Why do you not talk to electric companies who are going to win and have them establish a fund to take care of infrastructure damage, homeowners break wall damages, and things that come up because of your higher lake levels out of what they're making in pure excess profits because of this Plan? Thank you.

(Applause)

Lana Pollack: Thank you. Please go ahead Mr. Lowe.

Rod Lowe: Commissioners, I was surprised and pleased when you introduced yourselves to know we have 100% percent attendance of all our Commissioners here. Thank you very much for all being here. *(Applause)*

In past public forums I think we've been talking to your representatives. This is very pleasing to have you all here. I am Rod Lowe. I am the President of the Grandview Beach Neighborhood Association; 250 homes.

My remarks are my own; they're not representative of the entire Neighborhood Association, I want you to understand that. I'll be more concise if I can read this statement: Six decades ago a Dam was built across the St. Lawrence River allowing a joint U.S./Canadian Commission to regulate the level of water in Lake Ontario. In 1958, the Commission established high and low trigger points for intervention of lake interests when they were threatened or harmed by Mother Nature.

The regulation has been unchanged and in effect for 55 years. Shipping, power plants, recreational fishing, environmental interests, shoreline residents, we're all considered I think. And the Lake with all its basins has come to an equilibrium based upon this regulation. Now environmental purpose groups would like to roll back the calendar 58 years, and re-establish lower lows and higher highs so the lake shoreline environment looks like it did in the 40's and the 50's. Wetlands adjacent to the shore would receive water supplies they have not seen in 55 years and wildlife would flourish as they see it.

What the advocates of this new Plan fail to recognize is that over 55 years, an entirely new environment was created along the shore based upon the '58 regulation and the expectation that it would continue. People bought shore property, positioned homes and businesses based on the expectation of stability. Fish, birds and other wildlife adjust to their habitats based upon where the water was and where it was not. It is unrealistic now to say: "wait a minute. We'd like to recreate the shoreline environment as it existed 6 decades ago so nature can return as we think it should be". There are thousands of stakeholders living along the Lake who would be potentially harmed economically if this new regulation is approved.

We observe plentiful wildlife along the lakeshore and the pond basins. Fishing is good, birds are here in large numbers, the Lake and its shoreline environment has come to a new equilibrium over the past 6 decades. Why are some people so intent on changing the balance as it now exists? Thank you.

(Applause)

Lana Pollack: The next speaker is the Payne Beach Association representative. Who would that be?

John Dunham: John Dunham.

Lana Pollack: That's it. I can see that. *(Laughter)* Please, you're up.

John Dunham: Thank you. I appreciate this opportunity to sit before you folks. Actually I didn't have anything prepared or planned but when I was given the opportunity to speak I said: "well, I have to take advantage of this." My name is John Dunham; I am the newly elected President of the Payne Beach Association; there are roughly a 100 homes on Lakeshore Dr. and I live in one of them. I can't emphasize enough and stress the need for looking closer at the South Shore than what has already been presented.

My home in particular is a 250-foot lake level where with the trigger points that you folks are planning to have, that are proposed and have in place, that pretty much is going to devastate my property in the event that a north-east flow comes in. And it's not only my property; it's properties throughout that entire section of 100 homes. I've lived there for 7

years. I recently retired and I'd hoped to spend my retirement years staying there. With this 2014 proposal it looks like, to me, it's not a matter of "if", it's a matter of "when" I'll be washed out. So with that, my thinking is that hopefully you folks have the interests that are going to be receiving monetary benefit from this new lake level have a fund set aside to have compensation for myself and probably a majority of the hundred homeowners that will be affected by this should it go through.

So in closing, my hope is that you reconsider on this; on the trigger points, and lower them. Have variations on the Lake height but have it such that it won't devastate the South Shore. Thank you very much for the opportunity and thanks for coming here and opening up this meeting.

(Applause)

Lana Pollack: Stan Johnston and then Ed Dering I think, and Martin McMillan.

Stan Johnston: I live in Hilton New York and my concern with the Lake level is the restrictions that we have in place as far as putting up a break wall or repairing a break wall, or thank God I don't have flood insurance but if that was to happen, we're really kind of on the spot as far as what would you do? A lot of these people that are speaking of letting the lake levels stay high don't own homes on the Lake. If the home that they lived in had 5-foot waves coming in from the northeast and all of a sudden two thirds of your ramp that used to go down to the Lake is gone, things would be thought differently. Pretty much the restrictions on what I can do to make my property safe is preventing me from making my property safe. I don't know who would take care of that but the lake level coming up to my break wall that I have right now isn't... and we're not even close to where it could be. Okay.

Lana Pollack: Thank you. We have a lot of responsibility. We take it seriously. We will have to own or wear the decisions that we make. We don't make the decisions on the permitting that you're referring to. We would like to work and encourage governments who do have that permitting authority, to rationalize it and make it more user-friendly. I'm not telling them where they should give their permits or not-

Stan Johnston: Why not? Somebody's got to tell them.

Lana Pollack: I just can't say that I have that wisdom on a particular case but I do think governments should be responsive in a timely fashion. Collectively we would like to see... that's part of adaptive management. We would like to see people who have... we'd like to support the governments to get better responses. Thank you.

Okay Ed Dering followed by Martin McMillan. We're about to dash out of here because we have to get to the next one, but we want to hear from you.

Ed Dering: I'm a homeowner on the Lake on Beach Ave here in Rochester, and also a boat owner. I reviewed the matter and effects and am 100% okay with the Bv7 and 2014 Plan. They both seem to be the right compromise considering the important environmental issues, hydro power, shipping and at least me as a lakeshore homeowner for years as well as for future generations.

Lana Pollack: Thank you. Short and sweet... Martin McMillan.

Martin McMillan: Thank you and I appreciate the opportunity to say a few things. My name's Marty McMillan and I am a member of emergency services business here in Rochester although I'm not officially representing them as a senior manager. Also I'm a member of the Rochester Yacht Club and I own a piece of property on the Lake. My son sails on a daily basis; he's out sailing on the Lake today. I can assure you have sailed on the Lake for over 25 years, raced; it is a big, mean, nasty Lake when it wants to be.

I have a couple of concerns, and one is that in my business we look at things from a risk management perspective. If I'm going to send firefighters into a burning building, to make an analogy, there has to be a risk involved in that and a benefit also, so sending people into a vacant structure is not a wise thing to do.

When we look at the Lake level and we all know, and I will tell you first hand, that you will have another catastrophic event on the Lake. So what do we do to protect people? If we're going to put people at risk, I would ask you to build in some safety mechanism in that. From a common sense or a logical perspective, it seems to me that we should reinforce the southern shore first. Have protection in place and then if you want to experiment with the Lake levels you have a little buffer, fine. Now how do we do that? How do we fund it? I know it's expensive; a gentleman before me had spoken. Just the regulations, I have a break wall, large stones, but if the ice pulls one of those stones out it's quite an ordeal to have a piece of machinery come in and repair my break wall. So I think there needs to be more people involved, relaxed regulations so we can repair our break walls, have some funding available and we can all work together and solve this problem in a logical manner with the safety of both the residents on the South Shore and the people who use the Lake on a regular basis also. Thank you for the opportunity to speak.

(Applause)

Lana Pollack: Thank you. I have two people who spoke earlier, Sean Mahar and Jim Howe, I'll give you each one minute if you still are here and want to speak and then we're going to wrap this up with our thanks to all. We not only hear some of the same points made over and over again; that's good for emphasis, you know there's more than one voice on it. We also hear some new ideas and it's all valuable information to us.

Jim Howe: Thank you. This is the second time you've heard from me today. I promise you won't hear from me again today, I promise you that. I'm Jim Howe with the Nature Conservancy, Director of the Central and Western New York Chapter. Thanks again for spending time with us.

We're supportive of Plan 2014. We commend the IJC for putting forth the water regulation plan that really does try to restore the health of the Lake and balance out the impacts and benefits among all the users. The environment of the River and Lake has really suffered under the last 50 years of regulation, on that point that science is clear and unassailable.

Your point about learning from each other at this hearing is really a good one I think. I've been listening a lot today and I have some thoughts for shoreline property owners with some questions. One of them is Plan 2014 will bring back low water to the system. That's clear, we've all seen that, and if you're a shoreline property owner and you've lost your beach frontage over the past 5 decades it's probably because of the current Plan; it's really not your friend. In fact if you look at other Great Lakes, we looked at Michigan this morning, when lakes go naturally low, shoreline and beaches rebuild. I've heard a lot of concerns today about how people who are losing property and are suffering damages. I think some of it could be because low water is not in the system anymore. I think that's a really important point that's getting lost.

Then the last thing I'll say, I thought your PowerPoint was really interesting today when you had graphs of some bar charts. In one of your graphs you had \$35 million dollars as the damage that is caused to shoreline property. Lake Ontario Protection was the graph; \$35 million without regulation plan. With 1958 DD that number is \$15 million and with Bv7 that number is \$17 million. So I'm assuming here that shoreline property owners are spending about \$15 million dollars a year on repairing their property, that's Lake wide. Then the assumption would be that \$17.23 million would be spent under Plan 2014 which gives you the \$2.23 million dollar number in the impact chart. If that's the case, you have to ask yourself: what's the perspective? If it's a \$2.23 million dollar increase, what's the total, what are people already spending? I think that represents a 15% increase in cost to shoreline property owners. Again it's not a question of homes falling into the Lake; it's a question of maintaining your structures more frequently. If that's the case, and I don't know if that's the case, but this is what I'm positing from looking at that chart, then to me that doesn't seem like a big cost to bare to restore the health of a Great Lake and really bring about a more balanced Plan. I'll just close on that.

Lana Pollack: I would just say this: if we're going to get the governments to invest in protections, whatever defines protections, the governments are going to have to hear from a lot of people who are not fighting against each other but a lot of people fighting with each other. Insofar as people who have been on opposite sides can come together and can figure

out a win-win outside of the IJC, you know, that's not bad. It's just... we like win-wins all the way around. We thank everybody. We've got Shawn. If there's something new you want us to hear, say it quickly because we're going to adjourn.

Sean Mahar: Thank you madam Chairwoman. Just to follow up on your point too, it's something that we've tried to do and want to continue to do, is engage in that broader dialogue for the health of the overall Great Lakes and I think some folks mentioned the Healing our Waters Coalition before; it's sort of the coalition we bring together around Great Lakes restoration and we'd love to get more of the local people who are so connected to the Lake, because they own property, to work with us because the federal government has invested hundreds of millions of dollars in restoring the Great Lakes. One of the most cost effective approaches to making sure we maximize that investment is getting this new water level regulation in place because it's going to sustain all the investments we're making in restoring those coastal wetlands. It's going to improve the health of those wetlands and it's going to improve the natural processes that protect shoreline property. And I'll just add there's a big return on the investment. The Brookings Institution's done many studies looking at the value of investing in coastal wetlands. For every dollar the federal or state governments invest you get 2 dollars back. This is important information to know and we know there is a big return and we can do natural processes and put in place natural infrastructure protection.

Lana Pollack: Thank you. Now the last thing I'm going to say is there was a woman here, she's left but she made the observation that she didn't like that she had her back to the audience. I understand that. It's kind of her back or our backs, so it's hard to do it. But the point is, I keep saying this and this is more informal and it's not going to change our decision, we'll make our decisions the best way we can. But I know we need for whatever we do, government support. If the people are up here, you turn around and talk to those people, and they are willing to talk to you, who knows who you can influence to benefit to get to the win-win. Do don't turn your backs on each other and thank you very much.

(Applause)

End of Transcript