



**Public Hearing Alexandria Bay, NY
International Joint Commission, Canadian Section - LOSL Hearings
Proposal for Lake Ontario St. Lawrence River Regulation
July 17th, 2013**

Lana Pollack: A number of you have signed up to speak so I think if we start more promptly, it will work better for everybody. My name is Lana Pollack. I am one of the 6 Commissioners here this evening; in fact we left no Commissioners at home. All Commissioners are here with us tonight.

(Applause)

Thank you for the welcome in this beautiful place and in a nice cool room to boot. I will ask my colleagues first to introduce themselves and I will start with Commissioner Benoît Bouchard.

Benoît Bouchard: Thank you Lana, my name is Benoît Bouchard, I am from Quebec. I am a newly appointed Commissioner three weeks ago. It's been a great experience so far. I am sure tonight that I will just continue as experience and or we can hear and understand will be the best I think for the work we have to do. Thank you very much, bye.

Dereth Glance: Hello everybody my name is Dereth Glance I am a Commissioner with the US section. I live down the road in Syracuse, New York and really look forward to your comments this evening. Thank you such much for coming out.

Joe Comuzzi: Hello everybody and I am happy to be here and let me just say to you before we begin, my name is Joe Comuzzi. I am a Commissioner and I live on the North Shore of Lake Superior and that is quite a ways away. But I took the time today to drive through your town and I have never experienced what I saw today; it's just magnificent, it's glorious, the architecture, the place out on an island and where you have a castle and I never heard of it before; you should be really proud of this place it really is a beautiful place so thanks for asking me and my colleagues to come and visit with you.

Lana Pollack: And I note that Joe is my counterpart, he is the Chair of the Canadian Section.

Rich Moy: Good evening my name is Rich Moy and I'm U.S. Commissioner from the West. And since we work the entire boundary, I have a good background in Western water issues

and I look out at this crowd and see a wonderful crowd here and I am very excited to hear your comments tonight and thank you.

Gordon Walker: Hello I am Gordon Walker I am a Canadian Commissioner. I come from Toronto. I have lived on the Great Lakes all my life somehow or another and pleased to be here and back again. I am a recycled Commissioner because a long time ago I used to be a Commissioner in the 90's and I can recall being here in Alexandria Bay for probably the same discussion. *(Laughter)* Anyway nice to be here

Lana Pollack: And we all hope to come back but not for the same purpose. As you all know, we are here to receive your comments on a proposal for managing of water levels and flows on Lake Ontario and the St. Lawrence River. We want to do right by everyone, all of the interests including the River and Lake itself.

Just a quick history: We are part of the IJC; the IJC was established under a Treaty with Canada and the U.S. signed in 1909. We are charged with preventing and resolving disputes that might arise relative to the waters that we share, and it's not just the Great Lakes waters; it's the waters that we share from the Atlantic to the Pacific and including the Yukon/Alaska border as well. So we have quite a lot of experience with a lot of different watersheds and river basins in different environments, but of course we find that there are many concerns in common wherever we are.

Particular to this issue, in the 50's, when the governments of Canada and the United States wanted to build the Moses/Saunders Dam for a Hydro Power project on the River, they asked the IJC at the time if the Commission in making the regulation for and the Order to operate the Dam if the Commission could suppress or compress the natural ups and downs, the natural fluctuations that would normally be felt on the Lake and River due to the precipitation, the weather, the storm etc. The governments at the time did acknowledge that they could not, we could not ignore that we are obligated under the Treaty to take into consideration a number of impacted interests whenever we make a decision. We have to pay attention to shipping, we have to pay attention to the needs of Hydro power; it is in the treaty, we can't ignore it. As well as certainly including and starting with personal hygienic use of water; all of these interests and others have to be included. What happened in the 50's though is that the environmental impacts of compressing the normal highs and lows that nature would have provided, that had an impact on the wetlands and on the beach building and other factors. That was not known 50 years ago, but over the years it was brought to the attention, the public brought it to the attention and the governments more recently but it seems to you a long time ago, around 2000 I believe, asked us to study the situation and see if we couldn't propose something different and so since that time that you know there has been several iterations but no final decision.

So what we are doing tonight is now bringing yet another Plan; a variation of earlier plans but it is different in some ways, the same in some ways, for your consideration so you should tell us what you think. This Plan was developed by taking the earlier Plan that was out there for the public and then we asked the state of New York, the province of Quebec, the province of Ontario, the United States Government, the Canadian Government, the Government of Canada as a Working Group to see if they could modify previous proposals and can come up with something different. So what they've come up with is 2014. As I have said, the cake is not baked; we haven't had our decision on it, we haven't heard from you and we will not make a decision until we have heard from everybody. The public comment period is open until August 30th. We encourage people to submit things in writing if you are here, certainly people are not here and when you make your comments tonight, I am going to tell you that you have to limit them to 3 minutes, which is not very long. Make the main points, submit anything in writing between now and then; we will read it before we make decisions.

I think what we want to do now is run an eleven minute PowerPoint that goes over the Plan that we refer to as 2014, let you watch that and I'll go through a few rules of the evening and then it will all be your turn. Ok? So we are going to move so you can see the screen.

(PRESENTATION IN PROGRESS)

Lana Pollack: We're ready to begin with just a few remarks, most of them probably unnecessary with this well behaved group. Here are the rules of the evening: I've have got a lot of people who wish to speak; we're asking people to limit their comments to three minutes making, your major points and again, if you want to fill in with any detail data or re-enforcement put it in writing at any time between now and the 30th of August. Here are the time keepers with their ping pong paddles. The green he'll hold up when there's one minute left of the three, which is not very long. And then the red says you are out of time. Equally important please, you're welcome to express your support of what somebody has said at the conclusion of their remarks. If you wish to applaud that's fine. If you don't like what somebody has said, please remember what your mother said: just be nice; no booing, no hissing, no noise... it won't really help your cause so it's probably not necessary. Frankly among the hundreds of people that we heard in the last few days, I think three of them have been rude and the rest have been extraordinary passionate about what they have said, clear about what they have said, they differed with each other but that is fine. We are listening. So we are going to start, please with the elected officials, and for all of you state your name come up indicate if you are speaking on behalf of yourself or perhaps on behalf of a group. We are going to start with Assemblyperson Addie J. Russell.

Addie J. Russell: Thank you as you know I am Assemblywoman Addie Russell. I represent communities that stretch from Lake Ontario, all the length of St. Lawrence River in New York to Massena/Cornwall. I've have lived near the River my entire life, worked for many years in the tourism industry in Alexandria Bay and now I enjoy fishing and boating on the River. The St. Lawrence River Valley is the most significantly impacted region in this system. Entire communities have already been displaced, waterfront land cannot legally be developed in certain areas and extreme water levels are normal, not an isolated occurrence.

I fully support the approach contained the International Joint Commission Proposal Plan 2014, which provides a more balanced approach to regulating water levels in Lake Ontario and the St. Lawrence River. Our businesses, organizations and the economy of this region depend on the health and beauty of the Lake and River and their eco-systems. Moving toward more natural water flows in these bodies of water, as this Plan will facilitate, will not only improve the environment but it will also provide substantial economic benefits. Those include better fishing as well as an extended recreational boating season.

The current Plan has damaged our eco-system, hopefully not beyond repair. Residents continue to bare financial burdens associated with extreme water levels on an annual basis. The solution to bringing the Lake and River back into balance is not continuing a Plan that caused the problem and expecting a positive change. The environment cannot truly be controlled and our best approach is to work with nature, exactly what is proposed in Plan 2014.

As I was contemplating tonight's event, I often times get reminded of hydrology and water when I am bathing my two young children that are 5 and almost 4 and I can tell you for a certainty that if I put 3 inches of water in that bathtub or if I fill it completely to the top, once I add the excitement of two rambunctious toddlers, they can get water all over the bathroom floor.

So I think that as we move forward, I think maybe those of us in positions to talk about these issues on a higher public level need to be mindful that we separate the effects of extreme weather events from a water management Plan because I believe that perhaps we ought to have better plans and strategies in place for when extreme weather causes coastal problems, and not just jump to the system, the dams, the water level plans. And I will be here telling you that I am committed to working to make that distinction and for educating our different levels of government as to the needs to understand that these are climate related issues a lot of the times; how much water happens to be in any given body at any given time, if you don't have extreme weather you are not going to have as extensive damage. So I want to thank you Chairwoman Pollack and Chair Comuzzi. You're more than welcome to come back and explore more parts of this region at any time in the future. I

appreciate you taking the time to come here and I absolutely support Plan 2014. Thank you.

(Applause)

Lana Pollack: Thank you very much. Next up is Philip Reed, Jefferson County Legislature. I'm going to actually mention the people who are deck so that you can come up and know that your turn is coming. After that is Vernon Sam Burns from the St. Lawrence County Legislature and Justin Taylor, the Town of Clayton Supervisor.

Philip Reed: Hi. Welcome to this part of the country, my name is Phil Reed. I represent Jefferson County Legislature of District 3 which is Orleans, Alexandria and part of LaRay; currently as Chair of General Services which is highways and law enforcement. Part of my district is the American Narrows, which is arguably one of the most difficult places for ships to travel; that's why we have ship Captains.

I'd like to go back a little bit in history when the Seaway was developed. We were promised, and it has been written in books, that we were going to have one of the greatest economic booms of the country; cheap electrical power. Currently I think New York has some of the highest rates in the nation. Jefferson County basically has only a handful of jobs related to the Seaway. We take all the risks and we are the funnel of the Great Lakes system. Currently like I say we don't have very many jobs or economics related to the Seaway but we take all the risks including evasive species.

I appreciate the time that it's taken to do this. Jefferson Country Legislature did pass resolutions supporting Bv7. By your slides, it looks like it's a comparable Plan... 2014. We have arguably some of the most beautiful scenery and resources in the world here and that's why I serve on the Legislature and that's why I moved away from home, that is why I came back here and fully committed and very avidly work hard for our area, and we need to speak up loud and clear.

I think that the possibility of the positive impact on the wetlands restoration would be welcome news for us, especially for the Northern pike fishery, which anybody in this room can tell you it has been in decline for a number of years. Tourism is one of Jefferson County's top industries, so we welcome your hard work, we welcome you to the area, and we encourage you to move this Plan forward to implementation. Hopefully everybody thinks that we have mulled this over quite a long time. I think I was here 3 years ago too, so... we would strongly urge you to push this Plan forward. I thank you for your time and consideration. I know your job is not easy. I think you are probably going to hear a lot of the same things so I just try to give you little bit of a different take. The economics of this Plan would be a great boom to our area, one that we could put our finger on, not a hypothetical one that was given to us over 50 years ago. Thank you.

(Applause)

Lana Pollack: Thank you very much. Now please come up Mr. Burns. Last night somebody was frustrated after several people spoke and we're listening and they say: "what is this a kabuki theater, you don't say anything?" ...and in truth, we are not here to engage in that way; we are here to listen so if we don't talk, it is not that we are not listening. We are listening it is our job. Thank you... ok please sir.

Sam Burns: Thank You for coming from the North County. My County I represent is the next one further north. It is unfortunate you were not able to have a hearing there but I always feel welcome in Jefferson County.

Good evening, my name is Sam Burns. I'm a County Legislature from St. Lawrence City and I represent most of the city of Ogdensburg. The last time I addressed this body was in June 2008 in Massena when I threatened to propose the St. Lawrence County to sue you over the water level plan that didn't appear to serve the best interest of the Upper River region. Sorry about that. *(Laughter)* However, I am here tonight to endorse Plan 2014.

Lana Pollack: I think we've come a long way, thank you. *(Laughter)*

Sam Burns: I chair the St. Lawrence Legislative Subcommittee and Economic Enhancement and as a result, I view most government projects in terms of what economic benefits it could bring to my County and the North Country region. I agree with the statement from the Nature Conservancy that the current regulation Plan for Lake Ontario and the St. Lawrence River has reduced the range of water levels to the point of causing extensive damage to coastal wetlands that offer benefits for people. The economic value of this service is provided by wetlands including pollution reduction, flood protection and recreational opportunities had been well documented. I believe that Plan 2014 will help restore these benefits and provide greater economic opportunities for all people in the region. It is my belief that Plan 2014 achieves a balance of benefits for all interests. This new Plan has been worked on for the last 10 years with input from hundreds of stakeholders, including politic representatives like myself. I find it refreshing that such diverse groups as the Autobahn New York, Citizens Campaign for the Environment, the Nature Conservancy, Save the River, Ducks Unlimited, Trout Unlimited, Lake Plains Waterfowl Association, Lake Ontario Fisheries Coalition and the New York State Conservation Council have endorsed Plan 2014.

As a resident and taxpayer from New York State, it is important to me that this Plan will increase hydro electricity production and bring additional income and jobs to my state. It is my belief that with a more natural high and low level water in the river this will create healthier wetlands that will support stronger populations of native fish and wildlife,

improving our areas, hunting and fishing. This is very important to my county's emphasis on becoming the fishing capital of the world. Fish Cap!

A section of this Plan deals with triggers that will allow for quicker changes and weather patterns. It is important to recreational boaters on the St. Lawrence during late August and September to have a higher water level so they can access their boats that in the past were left high and dry even though the weather was favourable for boating.

As we progress in implementing this Plan, let us be mindful of the marinas on both sides of the River and their ability to allow their slip renters to access their boats.

Thank you for taking the comments from thousands of people over the discussion of the new Plan and let's not delay in moving ahead with Plan 2014. Thank you.

(Applause)

Lana Pollack: Thank you Mr. Burns. We appreciate that. So Justin Taylor followed by Norma Zimmer and then Twyla Webb please.

Justin Taylor: Greetings Commissioners, welcome to the Thousand Islands region. I spoke here a couple of years ago and I think the room was changed around and you sat up on that side and we faced that way the last time I spoke... Again my name is Justin Taylor I'm the Supervisor of the Town of Clayton immediately to the west of Alexandria, one of our partners here in the region.

Our township is supportive of Bv7 and Plan 2014, particularly because of the impacts on tourism. I'm reminded of last January when I got my Sales Tax report for the fourth quarter of 2012 where we had a wonderful warm tourism season but the water vanished very early in the year. We lost 3.5% of our Sales Tax revenue in our township, and I believe that that was directly related to the fact that folks stopped coming to the region because they couldn't navigate the waterways, they couldn't keep their boats in their slips and they said "sayonara we're out of here". Tourism in the Thousand Islands region is a \$456 million dollar industry supporting almost 10 000 jobs. Without tourism, our area would falter and would not be as viable as it is today.

So I will submit my written comments in the appropriate time but...just strong support for 2014 and also would like to thank the staff for the amount of time that they've put forward, they visited us, they visited Save the River week-end for the last several years and kept us abreast of what's going on and that it very appreciative to keep the communities along the Great Lakes and the St. Lawrence River apprised of what's going on so. So support 2014 from the Town of Clayton.

(Applause)

Lana Pollack: Thank you Mr. Taylor. While Ms. Zimmer is coming forward, I just want to say thank you again to Mr. Taylor who recognizes our remarkable hard working and very competent staff, both Canadian and U.S. upon who we depend and virtually are never disappointed; so thanks to them. Now we're going to hear from Norma Zimmer followed by Twyla Webb and Jan Joyce. Please...

Norma Zimmer: Good evening and thank you for coming here again. I hope you don't have to come back for this purpose. *(Laughter)*

The time has come to make a decision; 50 years from now there will probably be a group here looking over the situation that we're looking at tonight, the conditions will have changed and the decisions we're making now probably won't work 50 years from now. But we got to look out for our future right now; the River is the lifeblood of our economy in the Thousand Island region and we continue to flourish. If we do, we need to make sure that the health of the River is a priority. The horse is dead; there's no need to beat the horse anymore. We can't continue wasting your time, talent and money when Plan 2014 will achieve the balance and benefits for all interests. We have the attention of our Governor, the IJC. It is critical that we make this happen now. Thank you.

(Applause)

Lana Pollack: Thank you very much. Twyla Webb please... followed by Jan Joyce and Zell Steever.

Twyla Webb: Good evening, my name is Twyla Webb and I represent myself, my husband Paul who couldn't be here this evening; he's worked on this for many years, the International Water Levels Coalition and also the Village of Clayton. I won't speak for the Village because that has already been done very adequately. I will give you the feelings and the thoughts of the International Water Levels Coalition.

We have been involved with this for 13 years; I'm sorry to say in a way that you're all new to me. The other folks knew me well and probably you will come to know me also. We believe in the health of the River. We not only care about recreational boating, we care about the River and we are so happy to hear that you have finally come. We'd like of course to invite you to Clayton, which is also a beautiful spot. And if you have any question when we say people cannot get their boats in and out of their marinas, they cannot get into their docks. If you wonder why, please... I invite you. I have a boat, I would happily take you to show you why these folks in these islands who mean so much to all of us and to our economy and to the health of this area to show you why and what is going on that they cannot get in.

The channel is fine and it may well be fine for a long time but the channel was blasted out in the middle. There are many, many shoals; there are many areas which are very, very shallow. And these wonderful people who come up here to enjoy their summer homes often have to pull their boats early. As you have heard, when they pull their boats it's because they can't go to their island or because they're not going to be able get in to their marina that takes money away from our economy.

We understand completely that the South Shore people have their problems. You have listened to them, you've heard them; they've had ample time to deal with their problems. And I'm sorry to say that if they had not built in the flood plain, they probably wouldn't have those problems. If they're permitting agencies, their municipalities and their County organizations had not allowed their sewers to be built the way they have been built, there would not be a problem. Believe me, we don't want their sewage; we have taken care of ours appropriately. Absolutely positively if they need help taking care of it, it should be given. But they need to go their own local agencies and their own municipalities.

Thank you, we urge you and we can ask you often enough and strong enough; you have the power, you have the authority and you have the responsibility. Please enact 2014.

(Applause)

Lana Pollack: Thank you. Jan Joyce followed by Zell Steever, followed by John Peach.

Jan Joyce: Hi. My name is Jan Joyce. I'm the current President of The Antique Classic Boat Society, Thousand Islands Chapter. It is an international organization. We fortunately are an international chapter; we have many Canadian and American members. Our love and passion is wooden boats. We all go boating; we have boats, we have cottages. My home is in Fort Lauderdale, Florida. I arrive on the River in May, I go home in October. And I have a home, I have a boathouse, I have a boat and when the water levels are low, we cannot get to our boat as Twyla stressed. We have many members from all over the United States; we have members from Alabama, New Jersey, Pennsylvania, and Florida. In Canada: Quebec and Ontario.

We desperately need the water to stay high, to stay reasonable. We cannot afford anyone hit a shoal. The impact on boating... we do not just get in our boat and drive around; we go grocery shopping, we go to the shoe stores, we go to the restaurants, we go to the bars. We are an economic betterment to all of the communities here along the River. My Vice-President, Stuart Clough, lives on Grenell Island which is an American island, and he went home 3 weeks early last year due to the water levels. Another friend on Wellesley Island, which is right across the way, went home 4 weeks early last year because they had to pull their boats, they did not have the water in their boathouses.

I'm on the Canadian side. Fortunately, I did pull my boat but I have a second dock where I have deep water and I just had to switch to a smaller boat. When you go home early, many of us like Stuart; we have house guests that come from all over the world. And if we can't be here, they can't be here; so we need the water. I would definitely appreciate you accepting Plan 2014. Thank you

(Applause)

Lana Pollack: Thank you very much. We're looking forward to hearing from Mr. Steever. And then John Peach and then Patrick Simpson

Zell Steever: Good evening Commissioners it's great to have you here in the Town of Alexandria on the St. Lawrence River. I'm Zell Steever and I'm here with my wife Elizabeth Raisbeck. Our family has summered in the Shore of the St. Lawrence River for well over 120 years. We currently have a cottage on Grindstone Island where our children and grandchildren continue to come to vacation each year. Over 100 other members of our family also continue to live year-round or summer here as well.

I'm a wetland ecologist retired from the federal government where I held a number of positions in water resource policy and management throughout my career. In addition, both my wife and I continue to be involved with environmental and water issues and are members of the Thousand Island Land Trust and Save the River.

We strongly support the Internal Joint Commission taking action to approve and to immediately implement a new water management plan: Plan 2014. While we believe Plan 2014 is not perfect in many respects, it is the best proposal we have before the IJC. It has been well over 10 years in development and now it is time to act. We support the proposed Adaptive Management Strategy and sincerely hope both the U.S. and Canada, will vigorously and aggressively support research, ongoing policy and take into consideration to protect and restore this major ecosystem of North America shared by both nations. We are particularly concerned about the impacts of climate change on this major fresh water ecosystem and hope the IJC will fully cooperate with local, state, provincial and federal interests as well as with the private and international concerns to reflect this reality.

We thank you for holding a public hearing in Alexandria Bay and we look forward to your decision in the near future. Thank you.

(Applause)

Lana Pollack: Thank you very much. John Peach please...followed by Patrick Simpson and Don Metzger.

John Peach: Good evening Commissioners; thank you for coming to the Thousand Islands area. My name is John Peach I'm a 5th generation river rat from the St. Lawrence River / Thousand Islands area in Eastern Lake Ontario. I'm here tonight to voice strong support for Plan 2014. The time is long overdue to give formal consideration to the environment and our water levels plan. But I'm also a member of the Grenadier Island Country Club, which is located on Grenadier Island in Canada and has over 100 families, Canadian and American and we realize the importance of including recreational boating and the environment and water levels planning. All of our members are boaters and cottagers, most are fishermen and all are concerned about the environment.

Grenadier Island Country Club strongly urges you to push forward and adopt Plan 2014 immediately. Thank you.

(Applause)

Lana Pollack: Thank you. Patrick Simpson, Don Metzger followed by Dr. Steven Sarfati

Patrick Simpson: Good evening. My name is Patrick Simpson and I'm a member of the Alexandria Bay Fishing Guides Association. I've lived on the St. Lawrence River all my life and I've been in the hospitality business in the Thousand Islands for over 40 years. I'm currently a River Captain and a fishing guide on the St. Lawrence River. My grandfather, Cub Griffin, was also a fishing guide here on the St. Lawrence River in the 50's and 60's, and I have some memories of him having an opinion about the government being able to control the water level in 1962 or 3 and I can tell you it wasn't positive. *(Laughter)*

I support Plan 2014 because I believe it will benefit the wetlands and the fish and the wildlife that live there. A longer boating season benefits not only our seasonal and our local residents but it also benefits our local business community. As a former Mayor of Alexandria Bay and a businessman, we have been advocating for many years that a change was needed; Plan 2014 addresses that issue. Thank you very much for your time and attention.

(Applause)

Lana Pollack: Thank you Mr. Simpson. We look forward to hear from Mr. Metzger followed by Dr. Sarfati and then Bob Lamoureux.

Don Metzger: Madam Chair and Commissioner, good evening. My name is Don Metzger I'm here as a private citizen, one who has been involved in lake issues and river issues on both sides of the border for many decades now. In fact if I was wearing my business suit here tonight, the lapel pin would have 2 crossed flags: Canadian and American.

I wasn't going to speak here tonight; I had nothing to say up until a few hours ago. But I attended your technical conference this morning in Oswego and listened to almost a dozen speakers, all technical experts. And you've heard it all before, I've heard it all before, we've all been involved in this for quite a while. There were two things that really struck me this morning; one of the experts talked about whatever Plan it is that you implement whether it's 2014 or some modification of 2014, we should be looking at the broad view, the long-term view, not just our short-term gain within our lifetime or my piece of the world but how this is going to affect our children and our grandchildren.

They spoke this morning about the Adaptive Management Plan; this evening you call it the Adaptive Management Strategy. It wasn't clear to me if there's going to be sufficient funding in the long-term for both Canada and the U.S. for this Adaptive Management Plan or Strategy; I think it's a very important part of Plan 2014 and we have the ability now to monitor our activities in a much better way than we ever had back in the 50's. So that's a concern to me.

Finally, one of the experts talked about the keystone species and the pike, the muskrats, the black tern... I was confused; I don't think you are using the musky as one of the keystone species. And if you are not, I would highly recommend and respectfully suggest that you put the muskies on your list of the keystone species.

So that concludes what I was not going to say tonight Madam Chair and I thank you and the Commissioners for coming to our little piece of paradise. Thank you.

(Applause)

Lana Pollack: Thank you but we're glad you've changed your mind. Thank you for sharing. Parks Honeywell is third up now. Yes sir.

Dr. Steven Sarfati: Good evening I'm Dr. Steven Sarfati and I'm a 4th generation River Rat. I want to welcome you to Manituana, the garden of the Great Spirit, and thank you for your service. I've been on this River for six decades; I can remember before the Seaway, I can remember going to the Moses-Saunders Dam and seeing it being put it and marveled at it and as excited as was everybody else was with the apparent trade-off of disappearing communities under water with the long-term benefits we were going to get.

My comments will be brief about whether those promises were realized; pardon the metaphor but that's "water on the bridge". Thank you for acknowledging that at that time, the environment was not a consideration in planning. As I see your PowerPoint presentation tonight, I'm encouraged to see that in some of the slides at least environment was last on the list of future considerations.

My simple point is this: I can remember before the Seaway, times when the water levels was lower than anybody seen since the Seaway. Water is going to go up and water is going to go down; this River is going to give and it's going to take away and that's never going to change, that's a reality. And sometimes it's hard for each of us in our individual interest to get used to that. The fact of the matter is that the highest best interest of all of the various considerations and complexities that you have to take into account is simply based on the health of this River. I encourage you to accept 2014 and in the implementation of the Adaptive Management Strategy, at any juncture where you have the opportunity, prioritize the long-term health and environment of the River in your planning. Thank you.

(Applause)

Lana Pollack: Thank you Dr. Sarfati. Yes sir.

Parks Honeywell: Good evening I'm Parks Honeywell and I've been coming to the River for 70 years and I'm a 5th generation River Rat as others have said. There are cousins of mine that live in Alex Bay that are 8th or 9th generation River Rat. They are the future, I am the past. But I can tell you that coming here every year, every summer, my entire life, I finally realized my dreams about 16 years ago by buying an island downstream. Next year was a total disaster for me; I had to leave a month early. A month out of 3 months is a big bite out of our recreation time. We talk about endangered species. The economic growth of the River community is an endangered species and my leaving early didn't help them out a bit.

I had to pull my boat out of the water into the boathouse using a chain that just skidded in where I normally lift. Same thing on my island side... I regret this and I see that while there are many stakeholders involved in the good work that you're carrying out, I represent the one that is the economic driver for this community. I can't put up with too many more broken summers like last year. I am very sincerely appreciative of the good work that you've done to bring forth 2014. Let's go do it.

(Applause)

Lana Pollack: Thank you sir. We're looking for Bob Lamoureux then Bruce Gilmour and then Pete Backus.

Ron Sanfilippo: My name is Ron Sanfilippo. Bob Lamoureux has unfortunately become ill and he's asked me to say a few words. I live in Goose Bay and Bob is the President of our Goose Bay Reclamation Committee. We're experiencing a great deal of problems in Goose Bay because the water levels, while they've been controlled up and down the extremes, what they've done is allowed invasive species to close off the entrances to the Bay alongside so now we have no flow. While we were a healthy, even 10 years ago, a healthy

thriving Bay where we were producing pike and musky, we now find there is virtually no spawn taking place in our Bay at all. It's been overrun by the Eurasian milfoil. The Bay is suddenly dead. I've lost personally over \$100 000 in value in my property just because of the quality of the water.

So we support very much your adoption of 2014 as a way of hopefully getting some water levels on the extremes which will allow us to get some flow back into the Bay. I thank you very much for all the efforts that you have and please let's get moving on this. It's been a long time coming, thank you.

(Applause)

Lana Pollack: Thank you Mr. Sanfilippo. I think it's Bruce Gilmour and then Pete Backus and then Michael Flezar.

Bruce Gilmour: Good evening my name is Bruce Gilmour, I'm going to read a speech for Steve Taylor; he could not make it tonight and he wants to address the concerns of the property owners along the South Shore of Lake Ontario.

In the past, local zoning and planning boards were encouraged to permit development along their erodible shoreline to create valuable waterfront homes that in turn generate tax revenue used to improve their schools, roads and other infrastructure. Now a small but influential group of shoreline owners are justifiably concerned about the continued erosion of the shoreline. In hindsight, allowing the development this close to the shore was a mistake. The shoreline will continue to erode as it has since time in in memoriam.

Now, after long study and deep thought, the IJC guided by the creative insights of their scientists has proposed a Water Level Management Plan for a lake worthy of Salomon. Plan 2014: with this Adaptive Management Strategy and its triggers to avoid the extreme conditions, addresses the concerns of these South Shore owners while retaining most of the environment benefits that will restore ecological health to the entire Lake Ontario basin. We must not allow a mistake from the past to drive a mistake in the future. We all learned early on that two wrongs don't make a right. We have here an opportunity to make something right for all of nature and for all of us that love and depend on nature. Support for Plan 2014 is a responsible choice.

Respectfully, Steve Taylor

(Applause)

Lana Pollack: Thank you. Let me hear from Pete Backus.

Pete Backus: Good evening. I'm representing the North Rainbow Shore Association, which is comprised of about 40 landowners on the Eastern shore of Lake Ontario half way

between Oswego and Watertown. I'm a little out of my element here but I wanted to be heard. I attended Oswego this morning and did not speak but listened to a number of the comments. I appreciate the opportunity to provide you some comments regarding Plan 2014 and its potential impacts on these residents.

Clearly there are some winners and losers with this Plan; environmentalists' interests seem to come out well, Hydro does pretty well and I think the shipping does well. However I'm not so sure about the landowners. It seems to be clear from many perspectives that these shorelines landowners are concerned with this Plan in terms of the potential destruction to their property given the projected higher lake levels; and I'm emphasizing this in April and May. I wasn't sure when I heard everybody else speak I thought we're all on the different pages here but I'd love to see higher lake levels in August and September and October; I'd take my boat out in Labor Day and I'd love to have it higher. But it isn't, and if that can come up, great, but I don't know if you can get everybody what they want. But we're concerned about the higher levels when you talk about 248, that gets everybody's attention down in my neck of the woods because when those storms come across Lake Ontario, and you're at 248 in April and May, it gets our attention.

I purchased a property 10 years ago; haven't had any destruction, erosion or whatever. I lived there year-round. At that time the understanding of the intervals, the so called informal 4 foot intervals; now to raise that which I understand, although I'm not really clear on some of these numbers as they're thrown around pretty loosely, that it could go up to 248 or above. And if you combine that with some surges and storms, a lot of landowners are going to get hurt, there's going to be destruction and devastation, there's going to be economic impact, people lose their tax base, municipalities, schools or whatever.

So I guess I kind of have a question about these triggers; it sounds like that's the solution to this problem because clearly after I hear everybody else speak, I'm wondering about the low lows and people with their boats and docks and whatever. How is that going to impact them and do the triggers, turn on the spigots then and do they turn them off at other times? My understanding is that when you try to drain the lake, you can only do about an inch a week or something to that effect. So when it gets devastating and you're at 248, and they say ok you better do something and let's implement our trigger, first of all you have to check with Montreal because there's water coming from down there and can that trigger be pulled and have kind of an immediate resolution or solution. So I'm ignorant on that. I came this morning to listen; I had Oswego and I'm listening tonight. I think we all want the same thing: we want our businesses, our homes protected, and our economy protected. I don't know if there's a perfect solution but my point is I'm very concerned about, you mentioned 248 in April and May. If your trigger can solve it, thank you. If it can't, could you take a look at the ingredients of your cake as it's not quite baked? Maybe it can be tweaked a little bit.

But I hope you can resolve the August/ September/ October issue for these folks because that would solve it for me too and I'll be happy.

I do appreciate the opportunity of you listening. Thanks.

(Applause)

Lana Pollack: And we appreciate the opportunity, it's particularly important. We have fairly heterogeneous groups. People in one area are giving us one message although it's mixed in every area. People in another area are giving us a different message and we all have to listen to all of it.

Let me just not trying – because I'm not the one and this is not the time to deal with some of the technical issues that you raised. You can reach our office and you will get a follow up. But let me say for everybody's information what our authority is and what it's not. One of the questions that Mr. Backus raised was: if you decide to do the trigger, do you have to get approval from Montreal or someplace else? The answer to that is no; it's a decision that the 6 of us can make like that. However that doesn't mean that you can change the lake that easily. You have to use these triggers far enough in the future based on what you think is going to be the conditions to have it come out right. But we do have that authority.

But I want to also clarify for everybody else: in every other structure across the country, all of the dams where we have controls, we can decide when to change those controls. In this particular case, the Moses-Saunders Dam, because the applicants for the Dam were the Government of Canada and the Government of the United States, they could refuse our recommendation. We will make a recommendation; we will make it in the next several months and we will hope that it is not rejected by the governments and frankly I don't think they will. But I just wanted to say that in this case, our authority is what it is under the Treaty. We might wish it were more but it is what it is. So if the government accepts what we do, we're good to go. If they don't, you're going to be talking to your government representatives and convincing them of the wisdom as you see it. Thank you very much.

Ok...so that was Mr. Backus and now we're going to Mr. Flezar and then Cliff Schneider after that.

(Whispering...suggestion to let people know about the technical experts in attendance)

Oh yes good point. We have technical experts here. For this gentleman who just spoke, Mr. Backus I think or others, they'll be here a little bit afterwards too. So if you have technical questions for the engineers.... Those resources are here. Thank you.

Michael Flezar: Thank you for coming. I'm a lifelong resident south of here 30 miles in the Barrier Dune stretch; it's 17 miles, 5000 year old dunes and beaches. On summer week-

ends there are hundreds of boats and thousands of people on the beach; huge recreation area. Two winters ago in 2011, for the first time ever, at least in anyone's recorded history, there was no berm ice in the winter to protect the dunes. We went to a rather high level, they deviated and lowered, but the destruction, and I think part of it was the video that I sent in of the dunes crumbling. When you get 25-foot waves in a gale on that lake with no protection, it destroys the beaches and the dunes.

This Plan scares me; if we go through another winter that's warm with no berm ice to protect us from those gales it will destroy these dunes and these beaches and they do not come back readily; I've lived there my whole life. I've planted more dunegrass on those dunes than anybody. I've lived there my whole life and this Plan scares me very much. That's really my point; I hope you oppose this Plan, I think the triggers are much too high. Thank you.

(Applause)

Lana Pollack: Thank you we appreciate that. Cliff Schneider followed by and I think it's Rick Spencer followed by Bill Grader. Yes sir.

Cliff Schneider: Good evening and thank you for listening. My name is Cliff Schneider I'm a resident of Cape Vincent, New York and that's the head waters of the St. Lawrence. It's the first town along our shore here. I'm a retired biologist for the New York State Department of Environmental Conservation. My last position before I retired was the Lake Ontario Unit Leader at Cape Vincent Fishery Station. Now I currently serve on the Board of Save the River and I'm also a Councilman for the Town of Cape Vincent although I'm not here tonight to represent the Town. We're going to send a letter to you folks a little later in support of Plan 2014.

Back in the 1960's, the Watertown office of the D.E.C. had jurisdiction over the entire St. Lawrence River. As a young biologist fresh out of college in those days, I was given a task of evaluating a population of St. Lawrence River walleyes that used Brandy Brook as a spawning tributary; Brandy Brook is north of here, north of the Village of Waddington. The run of walleyes was declining in the mid-60s and then a number of complaints from fishermen at the time; that's what initiated the study itself, so. Those of us that were studying this, we found that both the production of young fish as well as some of the adults had declined. And the conclusions at that time were that it was probably likely related to the Seaway construction that occurred a decade earlier. Now I recall at that time as a young guy asking about what was done at the time of the construction project with respect to studies. What did we find in the files? Well, there was nothing in the files and there was not a single report or a study that was done by the department in those days; it's just wasn't an issue.

Now this was prior to a lot of the environmental movement, you've noted some of that yourself in your PowerPoint. Nowadays of course, developers are responsible for assessing all these adverse impacts and anything like that. But the governmental agencies at that time, including our predecessors at the D.E.C., had no environmental antennae, they were operating in an environmental vacuum at that time. We were pretty naïve and we were pretty insensitive of a lot of that stuff. At the same time that we were operating within the environmental vacuum, the regulatory authorities had put in place the water level management plan for the St. Lawrence River and lower Great Lakes as it's called 1958 D. Now what is both remarkable and I will use the term shameful is that that Plan that was born out of an era of environmental insensitivity has been with us for over 50 years. Even more shameful is the fact that we had documented that the habitat of environmental degradation that has come from this insensitive water regulatory plan for years and years where we have taken no action to correct or our collective error in managing this beautiful important resource. What seems to me even worst is the fact that we're still debating today whether we should correct our 50 year old mistake. That's a concern.

Finally, I just want to urge all of you, please, you have the power to correct the past mistakes that we've made and adopt Plan 2014; I'd like to see that. And at long last we need to provide a plan that takes better care of our River and our Lake ecology. We need a plan that can finally be described as having at least some consideration for important environmental concerns and Plan 2014 meets those criteria. It is the best alternative we have seen in years. Plan 2014 in contrast to 1958 D was born out of careful study and responsible management. We need to adopt it now and we need to adopt it today. Thank you for your concerns.

(Applause)

Lana Pollack: Thank you very much. We're going to hear from Mr. Spencer, Mr. Grader and Ms. Ann Ward. Yes sir.

Rick Spencer: Good evening and thank you for being here. My name is Rick Spencer and I've lived on Grindstone Island next to an adjacent wetland for over 40 years now. I've had the opportunity, and I guess you call it the opportunity of watching this wetland deteriorate. I have seen fewer and fewer pike spawn in the spring where 30-40 years ago you could stand on the shore way watching them swim by. So I'm very excited about this Plan; this is the best we've seen so far. I also want to say that I've worked on Great Lakes and St. Lawrence River environmental issues for many years. And I would like to compliment the staff of the IJC for their persistence for so many years to come up with this Plan, which really attempts to accommodate as best as possible for most the interests that are involved here, and I don't have to repeat them all.

Let me just get to the heart of the thing: There are a lot of good reasons to support this Plan. First of all, it considers the environment, it considers recreational boating, sport fishing, waterfowl hunting, marinas, baits stores, hotels, restaurants, hydro power generations; it still facilitates commercial navigation at the same time. What I'm really impressed about this Plan is that it acknowledges the uncertainties of global warming and the fact that the plan we have now, 1958 D, is really effectively obsolete as you guys have certainly attempted to explain to people. So I'm hoping that this Plan, which has periodic reviews which is built into the Plan which I think is absolutely important, and the monitoring thing which as soon as we get the funding for it should be the best thing we could look forward to. I hope that this Plan gets implemented promptly January 1st 2014, which I assume that's why they call it 2014. Thank you and hopefully someday I'll see pike spawning in my bay again.

(Applause)

Lana Pollack: Thank you Mr. Spencer... Bill Grader and Ms. Ann Ward and then Mr. McNally... Thank you.

Bill Grader: Hi. I'm Bill Grader and I'm a resident and business owner in Clayton, New York just up the river from here. I was born in a river town and I expect to die in one although hopefully not too soon. So I understand how emotions can run high in the discussions regarding water levels and their impacts on various interested parties. However it is important to separate subjective feelings from objective facts in this decision-making process. Rarely the decisions based solely upon emotions turn out to be the best decisions. Rather, a cool detached analytical approach to decision-making based upon research and the resulting determination of fact is commonly viewed as being the most successful. The IJC is to be commended for the recognition that resource management plan should be reviewed and updated as new science and research provide new information regarding the resources they're charged with maintaining.

All New Yorkers have participated in funding through their tax payer dollars, extensive research over a period of many years and to the economic and environmental impacts of the water flow control regime that has been in place for the past 50+ years. The science, the facts show that undeniable harm is being visited upon the ecology of the native wetlands in both Lake Ontario and the St. Lawrence River. These invaluable resources belong to all New Yorkers and their neighbors to the North. Since we have paid for this research, we want it to be used in a logical and responsible manner to improve the management of our resource.

New Yorkers continue to spend millions of dollars in attempts to restore and maintain native plant and animal species and defend them from the onslaught of invasive species. One of the most cost effective means of supporting our native species is to restore the natural systems and conditions that are natives evolved with. To restore more natural flow

regime to Lake Ontario and the St. Lawrence River is prudent and responsible stewardship and the people of New York are owed this. We have taken much from the Lake and River at a great cost to the natural ecosystem. We have taken for our own personal, commercial and public benefit for power generation, for shipping, for recreational boating, for commercial and sport fishing, for drinking water and sewage treatment facilities and for the benefit of our personal properties. It's high time we gave something back; it's time to implement Plan 2014. Thank you.

(Applause)

Lana Pollack: Thank you sir... Ms. Ann Ward and then Mr. McNally and then Michael Marcinkiewicz... Yes mam.

Ann Ward: Thank you so much for coming again. It's very good to see you and it's wonderful to have this Plan before us. I have been at, in and on this River for over 60 years and I have seen the damage that 1958 D has done to the River. Of course, I'm very much concerned about the environment, about the loss of wetlands. But I'm also very much concerned about the economy. A number of speakers have spoken very well about the problems of losing the fisheries and that kind of thing that can happen. I know perfectly well you cannot please everybody; you can't even try to please everybody because interests along the lake and the river differ depending on where you are and what your interest is. But I believe that you have come up with Plan 2014 as being one of the best ways to go ahead and take care of the best interest of all the people who are involved. I'm most hopeful that I live to see 2014 happen *(Laughter)* and I'm also hopeful that when it happens, it will be something that will be very important to the lives of our children, our grandchildren and our great grandchildren and I thank you for all your efforts.

(Applause)

Lana Pollack: Thank you very much. Mr. McNally, followed by Michael Marcinkiewicz and then Jake Tibbles... Yes sir.

Teddy McNally: Good evening. My name is Teddy McNally. My great grandparents first came to the Thousand Islands in the late 1800's. Today the 4th, 5th and 6th generation continue to vacation here. Why is it that families return year after year? I'll get to that in a minute.

Our family is somewhat unique in that most of us travel 700 miles from Chicago to get here. But there are other visitors who come to this area from Houston, Seattle, London, England and the list goes on. Most visitors in this area come from Central and Southern New York, Pennsylvania and New Jersey and obviously many other areas. Due to proximity, there are many visitors who come from Canada. Not only do some of our visitors and summer

residents come from afar, but so is the water flowing down the River. As you are aware, the vast majority of water in the Upper St. Lawrence comes from Lake Ontario, so we want and need a healthy, vibrant lake.

Back to why people visit and reside here. For most, life revolves around activities and as you might imagine for the summer months, swimming, boating, fishing are all wonderful time-consuming activities. The River is the common glue that makes all this very special. While I've referenced many who come for vacation, I would be remiss in not saying that the full time residents also take pride on their River. Obviously many are in the business to providing services and products to the visitors. Much of the local economy revolves around the River. People, both full time residents and part time residents, who love the River and spend time in and on the River refer to themselves as river rats as Mr. Peach did earlier. Think about this: an endearing term to be called a rat. *(Laughter)*

This River is the major asset of the region; we are blessed with reasonable highs and lows and not the disastrous spring floods that hit the headlines around the country every spring. Of course our River and lake water levels need more variation to bring back the wetlands and improve the fishery. We're so spoiled that some people complain of any change. Bottom line to me is an improved healthy River and Lake will improve the region's economy, the water will be cleaner, the fish more plentiful and the boaters and swimmers will enjoy it also. This is not the first time I've spoken to you on water levels but I sincerely hope it is my last. I am sure you feel the same way. Thank you for all your dedicated work over the years and I encourage you to implement Plan 2014 at your earliest convenience.

(Applause)

Lana Pollack: Thank you. Michael Marcinkiewicz followed by Jake Tibbles followed by Ron Thompson.

Michael Marcinkiewicz: Madam Chairman thank you for saying my name so beautifully, it's very difficult so well done. And thanks to some of you who have come from a long distance to be here. We appreciate it. I'm not a legislator, I'm not a politician, I'm a resident of the area. We have been coming to the St. Lawrence River, we purchased property about 33 years ago. The last 10 years have been very problematic with respect to the low water level. As you know and you've heard both sides of the argument here, there's folks that like high water, like me, or normal water, like me, and many boaters and many of the residents of property owners up here and who have a very great dislike for a low water level. In conjunction with the low water per se, there's also an issue of timing of low water. Last year was a disaster because for some reason not obvious to most of us in the room, the water level was low at the very beginning of the tourist, the boating, the season for which many of us travel up here. I'm not sure how that happened but when the directive was

made for some target low water level to occur, the timing of that could not have been worse.

I don't know the details of the 2014 Plan; any plan must deal much better with not just the level of the water, but it also must deal with the timing. It almost seems like the low water level this past year did cause an economic disaster up here and a very, very short season for us very highly taxed summer residents was caused by some indiscriminate, we won't know the details of that, Plan for low water and timing that just didn't make sense. So it's my hope that in the 2014 Plan there are some strong directives for not just dealing with the low water level but for dealing with the timing if low water is deemed necessary for those folks upstream from us on the Lake. That's all I have to say. Thank you.

Lana Pollack: Thank you and let me just say... where's David Fay? Raise your hand and stand up, not that we're going to call on you now but I'm identifying you. For those of you who want to ask questions afterwards, David will be available. There was a question of what part of last year's low water levels could be attributed to a poor plan in terms of the controls that we do have; what part was nature, how do we deal with the interface between the two? I'm just saying if you have technical questions afterwards -

Michael Marcinkiewicz: We heard rumors but that's the best we've got. We've just heard rumors that it had something to do with the Port of Montreal.

Lana Pollack: Well this guy doesn't deal in rumors. *(Laughter)* So thank you for raising the questions and people are queuing to the time limits so we'll be done in time for you to ask some questions if you'd like to do so.

Jake Tibbles and Ron Thompson and then, I think it's Wilbert Wall.

Jake Tibbles: Good evening. First of all, welcome back to the Thousand Islands and thank you for the opportunity to comment this evening. My name is Jake Tibbles and I'm a river rat. I grew up in Alex Bay and I now live in Clayton, just up River from here. I'm also the Executive Director of the Thousand Islands Land Trust. I've been with the Land Trust for about 5 years and actually one of my first big to do's was to come to the water levels hearings back in with our late Executive Director Aaron Vogel. So I'm very excited to pick up where Aaron left off. So I'm representing the Thousand Islands Land Trust. The Thousand Islands Land Trust (TILT) supports Plan 2014. TILT is a not-for-profit whose mission is to conserve the natural beauty wildlife habitats and recreational opportunities of the Thousand Islands region.

TILT works with private landowners, community and government leaders and various conservation partners to conserve flora, fauna, water and air quality and our region's important environmental features. The goal of TILT's work is a greater quality of life, an

improved foundation for the economy and an enhanced environment. Since 1984, TILT has helped lead conservation efforts in the Thousand Islands along with several other various conservation partners and environmental partners. Today TILT protects over 80 to 100 acres of sensitive habitats that support the overall health of our river ecosystem and is on the path towards 1200 acres of total protected lands by 2015. Almost 40% of these lands are vital coastal wetlands, wetlands that have been significantly degraded due to regulated water levels. Under the current plan, 1958 DD, we've seen a 50% decrease in marsh meadows that supportive variety of wildlife, waterfowl, turtles, herps, northern pike, fisheries...you name it, 70% decrease in northern pike populations and over an 80% decrease in black terns.

It's time for a new water levels management plan; the Thousand Islands Land Trust supports a water levels management plan that takes a balanced approach towards improving the health of the region's habitats and providing greater economic opportunities for the people. The Thousand Islands Land Trust supports Plan 2014 and urges the Commission to vote on this and pass it.

So I stand here tonight to ask the International Joint Commission and the governments of the U.S. and Canada to help us reverse 50 years of damage to our River and Lake. Thank you.

(Applause)

Lana Pollack: Thank you very much Mr. Tibbles. Mr. Ron Thompson followed by Mr. Wall followed by Bob Taupe. Yes sir.

Ron Thompson: I'll be addressing you as a private citizen in just a moment. But I just wanted to take a second as a member of the Alexandria Bay Chamber of Commerce and welcome you here to our beautiful piece of the world.

Lana Pollack: Thank you

Ron Thompson: Whenever you go out to dinner and the servers list off what your choices are for dressing, and they come to Thousand Islands dressing, just remember where it started: right here, ok? *(Laughter)*

My name is Ron Thompson and I am a resident, business owner and waterfront property owner here in Alexandria Bay. My grandfather was born in Alexandria Bay in 1876 and 2 of my sons are 5th generation U.S. Coast Guard captains. The River is the reason we all choose to live here. Its health is the cornerstone of this area's economy and quality of life. The construction of the St. Lawrence Seaway and accompanying power project in 1960 for ever changed this beautiful River. As IJC Commissioners, you have an historic opportunity to affect positive change in how the River has been managed for the past 50+ years.

Greater variations supplied by Plan 2014 will allow our cattails choked wetlands a chance to get back to what they do best: filtering water prior to its entering the River and supplying a spawning ground for our native fishery. It is also been aggravating over the years to watch as the plug is literally pulled each August making it necessary for many of our neighbors to pull their boats and close their camps prematurely. Some have even questioned whether to sell and purchase somewhere else where the boating season is longer and more reliable.

Plan 2014 is a compromise that is good for the environment and allows us to hold on to the water we do have a little longer into the fall. What we cannot afford is to spend another 10 years debating the replacement of 1958 D. The status quo is harmful to everyone involved. Please act by approving Plan 2014. Thank you.

(Applause)

Lana Pollack: Thank you sir. We're going to hear from Mr. Wilbert Wall, Bob Taupe, and Doug Fugel I think. Yes sir.

Wilbert Wall: My name is Wilbert Wall I own French Creek Marina in Clayton. My marina is situated back of an illegal bridge that is on Route 12E so the water levels affect me both ways. Last fall, the water levels were very low; the mud was sticking out where the boats should be so I spent in the spring \$50 000 to dredge it out. Suddenly the water comes back up and I now have 15 feet of water at the docks.

I lived on St. Lawrence River for 81 years; I own a home on the river and we've observed the water levels consistently for that period of time. I have observed it before the Seaway was built and afterwards. It's much better afterwards than it was before because in 1932 you could walk across French Creek Bay in your Sunday shoes and not even get them muddy. I've also seen the water up over my parking lot so I could float a boat in it. So I recognize that it goes up and down. But I see as a constructive way or opinion or whatever you wish to call it, to observe this over a long period of time if a structure had been built at Three Rivers; we could have eliminated all this trouble in the fall because I see every time it gets close to Labor Day, the water drops. We look down at the Iroquois dams, we see the dams are open and water is flowing out fast. So it's obvious to me that if we had a structure of in the area of Three Rivers, we wouldn't need to draw this down in the fall so bad and could maintain the water levels in Montreal very easily.

On the other side of the coin, I see when we have high waters there's a big timeline before it gets into the newspapers and you get a result then they start to draw it down. If there were some way of getting the reaction quicker with the occurring weather conditions, you nor anybody is going to control that. But if we had a reaction time of less time, even if it was minimal, to quickly react to a high water level with these rain storms that we had a few

minutes ago here, you could see it's going to create more water here. If you have a 3, 4, 5-day rain, you're going to get higher water. But I see in the fall when the time comes and they want water down in Montreal, I see the water in our marina drop 4 to 6 inches in overnight.

(Applause)

Lana Pollack: Thank you sir. Thank you very much. Bob Taupe followed by Doug Fugel followed by Bea Schermerhorn.

Bob Taupe: Madam Chairman, Commissioners. My name is Bob Taupe. Rick and I have owned a place on Ramona Beach for 30 years. I don't know enough about the Plan to recommend it or not recommend it; however thanks to your help I'm learning something. I attended your seminar this morning and I listened to the environmentalist speak and I have a better appreciation now of what's been happening over the last 50 years or so. But after listening to you Madam Chairman talk about compromise, I sat with one of the environmentalist folks who was on your panel and I said to him: let me tell you what's been happening to us. On Ramona Beach 50 years ago, we had 40 feet of beach; and of course he said well that was just the normal cycle of low water. Ok Mother Nature; that's ok. And I said: well you know in 1972, a storm came and took out our brick wall; not just my property but properties up and down the beach. Well that was just a 100-year event; well, Mother Nature again.

It seems to me as I listened to the information this morning, that the Plan will allow no more than 7 inches on the low side increase and the professor said 2.4 inches on the high side. It seems to me that Mother Nature has been changing here lately and these 100-year events are now coming more frequently. So if 100-year events are now happening every decade, it would be unconscionable to raise that high limit at all. And if it's only going to impact 2.5 inches, why raise it at all? It seems the environmental guys are saying that most of the benefit to the wetland was resurgence of the water on the low side. Now we on the beaches would love to have lower water and allow to rebuild our beaches. But I don't want to be selfish; I'm happy with the stones out there but I'm not happy with another 100-year event coming next year and ripping out all of my brick wall again. A lot of our property owners are just scared to death, one because they don't understand this Plan well enough, and I'm certainly glad I came this morning and I'm glad I had a chance to speak here and also, listen to these folks in terms of what their concerns are. Low water is a good thing for us, high water is a bad thing.

So my only point is, please recognize that Mother Nature is changing and if these 100-year things are now happening frequently, you shouldn't increase the levels on the high side at all. 2.5 inches: I can't see where that's going to make a heck of a lot of difference to the environmental part of it and I probably don't understand enough but it seems to me we

should try and hold the levels where they are so that we can avoid this serious property damage all up and down the beaches. Thank you very much.

Lana Pollack: Thank you very much. I'm just going to make one clarification and one statement. The clarification is this: this morning and in earlier hearings too, I'd mentioned the value of trying to get people to talk to each other. The value that I was trying to promote in that is at least to get together to the point that you can jointly lobby; we can't lobby and we won't. The governments, if you want some more money to come in here; people talk about mitigation or compensation or restoration in any number of ways. We the IJC are not a taxing authority; we can't provide funds, we receive funds from the government for specific purposes. What I'm suggesting at the very least if people who don't otherwise agree on anything can at least agree that perhaps there's sources of revenues outside the region that are legitimate and legitimately tied to these changes. You might do better with a common voice than a divided voice.

In terms of what part of last year, next year or 100-year event can we expect to be controlled with the best plan, I'm hoping that those who want to have a little conversation afterwards with David Fay that would be useful. Part of this is managing expectations. Whatever we do we'll do because we think it will make the situation better. We get a Sandy blowing through here there isn't any plan is going to spit in the eye of Sandy.

Bob Taupe: You have a very interesting task in front of you.

Lana Pollack: Thank you. Doug Fugel, Bea Schermerhorn and then James Brown

Doug Fugel: Hi my name is Doug Fugel and thank you so much for scheduling this hearing tonight on one of the hottest days of the year. What a beautiful room here. I just want to reminisce a little bit here because I'm old enough to remember before 1958 D and we had a place on Sandy Pond which is just a little bit south of here in Lake Ontario. I can remember it was on Green Point and some of you in the audience may know where that is. But anyway, you could walk down the Green Point road and on the right hand side was a swamp, a wetland and the spring of the year, you could watch the northern pike come in there and spawn and little by little after 1958 D that kind of disappeared and we were there 39 years before we moved up here to the River. By the time we left and many years before we left, there were no pike spawning in there because of the change in the water levels. So that was a probably 20-30 acres swamp land there that was totally destroyed.

But anyway, we've been through this and I've been kind of involved with this right from the very beginning when we had the 5-year Plan and then I think it was B+ and then Bv7 and now 2014. Many of the organizations I've been through really support all of those plans. As we do 2014, I'm a member of the Lake Ontario Fishing Coalition and we did unanimously vote to support that. It's a water town based fishery commission. I just want to say that this

new Plan really addresses the environment, the fishery, the boating and we all know that 1958 only addressed hydro power and transportation I guess on the River and that was it. It took no look at our other people's interest along the River and this new Plan does. So I really hope that we can move forward with this and it's been almost a decade and a half I think we've been messing around with it and I hope that the people in the audience here realize that we still need to get our Governor on board. So we really need to get to Mr. Cuomo and make sure our legislator come on board. So thank you for the opportunity and I just want to say one thing: one of your Commissioners here Dereth, she probably doesn't remember me but we sat together on a D.E.C. OneidoLake Cormorant Taskforce 10-15 years ago...Well, good to see you again. Thank you.

(Applause)

Lana Pollack: Thanks. Ms. Schermerhorn followed by James Brown, followed by Ken White.

Bea Schermerhorn: Good evening. My name is Bea Schermerhorn and I'm a St. Lawrence River riparian. My late husband and I established Schermerhorn Boat Sails and Marina in the 1950's and we were in business for over 50 years. Plan 2014 has incorporated much to try and heal the environmental damages and it is a positive plus for recreational boating and tourism which is the engine that drives our River economy. I've been very frustrated as have a lot of other people. The whole thing started back in 2000; it's 2013 and our water is still been treated like the other plan 1958 DD.

My take on Plan 2014 is that it is still quite conciliatory to the South Shore of the Lake; you've got these triggers, you've got deviation that is built into it and what is the problem down there? It's beyond my comprehension why they are so negative about this and unable to accept that they are a stakeholder but only one of many. And that kind of goes a little bit for Montreal as well. Neither of these entities should consider themselves priority one. Plan 1958 DD has done a lot of very serious damage to both the Lake and the River and yet they still want that Plan. Are we going to continue doing all this damage?

I certainly remember when Plan 1958 D became the Water Levels Control Plan. The South Shore didn't like that either; they through a hissy fit, even threatening to sue your Commission at that particular time.

So to placate, I think is the word I want to use, their concerns, Plan 1958 D became Plan 1958 DD; the second D was for "deviation", and yet they still were not too happy, and yet now this is the Plan that they still want to continue with. It's time that they leave their egos on the curb and work together with the other stakeholders to take care of this wonderful resource. Deviations, most of you know, Mr. Webster says it's changed. Over the years, deviation has been used more than 50% of the time, and when a plan has to be changed

50% in time, then that plan needs change; out the backdoor. As to my comment about Montreal, they too can be pretty demanding. Remember commercial shipping brought the oil spill of '76 to our River and invasive species to both the River and the Lake.

I would like to ask those powers that be in commercial shipping to take every possible means to protect these precious resources.

I support Plan 2014 because I feel that it has in it something extremely important, which is the adaptive management program because in my humble opinion, that is what is going to make the Plan work. I would hope that adaptive management would become mandatory; and by mandatory I mean it's going to happen. We're not going to throw it out; we're not going to hem and haw about it. We're going to talk to our elected officials and the Canadian people I hope will talk to theirs so that there will be funding. This will allow tweaking of plans; it will allow quick changes and of course it will present to us presently a lot of information because we're living in a technological world, which we didn't have 50 years ago. You're not driving the same car that they had 50 years ago and the typewriters you used are in the closet and everybody's got a computer.

I hope that the Board of Control will not have special interests like the present Board is and I'm not sure that I still like this business of consensus. What's the matter with the majority rule? I would hope and consider that the new Board will not have special interests represented on it.

I would like to see and I don't think I saw anything in all the volume of paper that I've printed off....but I would like to see an Advisory Board; consideration given to an Advisory Board. It has been mentioned many times over the years but it never happened. And what this Board could do would be a stepping stone up to the Board of Control who then step up to you people and it also could be used as a tool. We stakeholders have got to start to talk to each other. I think that an Advisory Board of people, of stakeholders who have to live by the rules that you guys come up with. Oh and one more thing-

Lana Pollack: No, no...we really appreciate but we have 2 more people waiting and that would be unfair to them to keep them any longer.

Bea Schermerhorn: I thank you very much for coming here.

(Applause)

Lana Pollack: Alright....James Brown, Ken White, Jennifer Cattick and then 3 more people -

James Brown: I'm James Brown and I promise you won't need the hook. I've been on the River all my life and I'm speaking for many of my friends that I've done as well. I think you for coming. I was in Kingston the last time around and I personally hope this is the last

time. I hope you solve this thing and come back to our beautiful region for fun. Enough said there.

I don't know why we're talking about this high water thing; I think everybody in this room doesn't want high water. I hear the Southern Shore and the Eastern Shore of Lake Ontario; I don't know if anybody wants high water. Now last winter, they were all afraid of the spring. Well last winter, there was no snow in the Midwest. I knew the 1st of March that the water was going to be low. Now if it had been tweaked then, we wouldn't have started so low that it was like the fall and the spring. We also knew that it was a dry summer so it didn't need to start being tweaked in August; it's too late. Montreal wants this water in their harbor, it's no secret. Around the 1st of September, they pull the plug. In any bathtub, if you start pulling the plug it's going to go. But you got to tweak in the summer to get ready for that, even if it's dry. Last year, I happened to be in a deep water boathouse and I always musky fish all through October. I have a 30-foot wood boat with a high gunnel and in the middle of October I had to pull my boat; I had to drop three and a half feet off the dock to my gunnel and frankly I was afraid I was going to miss the gunnel and drown in that cold water. So I pulled the boat because of that and three and a half foot is no exaggeration and there's no excuse for that.

I hope that this tweaking so of speak, more frequently, can solve our problem. If it's a dry winter or it's a wet summer, it just needs to be done sooner.

(Applause)

Lana Pollack: Thank you sir. Thank you very much. Ken White, Jennifer Cattick and then David Klein then Lee Willbanks and Kate Breheny I think.

Ken White: Good evening everybody. Thank you for coming here and thank you for all the high water right now; it's beautiful out on the River. I don't have to worry about falling down into my boat hole; I did at the end of the year last year. When I said goodbye at the island, I looked directly at the boat cleat standing in my boat; the dock was up here so that was tough. Anyhow; I came here to say that I don't trust neither control of this River, I don't trust you either because we don't have the tools. I'm a control system engineer; so my idea is to keep things in control and yet there are some reasons to have things get out of control.

Number one: we got a big problem. We got the wrong method of level control for the River; it's called flow control. We control how badly the River leaks into the ocean. Anybody that's got a farm pond knows that you control the levels in the farm pond, not by having a big leak come out the side and say: "oh we'll just narrow the leak a little bit", but you put boards up and you control the level that way. So if this River is important to control, and I mean control quickly; I'm not talking about long periods of time or even over a year, then some things have got to be done downstream.

Number two: we're never going to please everybody because they're non-compatible agendas here. I want to control but I kind of like the wetlands too; there are reasons for both. What scared the be-Jesus out of me is when you say: "Plan 2014 is better because it has less control". That makes a control engineer not sleep well at night because in fact, the problem is a bigger problem than you're even addressing. If I was on your Board, I'd try as hard as you guys have done and we'd still come up short because we don't have the right knobs. We need to be able to control the level and control the flow. I mean, what happened 2 winters ago before the really bad low water last year? No ice formed out here. Do you know why? Dump in the River; the flow was so high that there was no ice for ice fishing. Nobody talks about that kind of stuff.

Anyhow, I've got to ask you, have you heard the idea that maybe the most important water resource coming is water? If we want to control level in Montreal Harbor, we got to do something more sophisticated than flush a toilet; because that's what we do. We flush the River and the Lake every time they need water in there and that happens a lot in the fall; several people have mentioned that. So I would really suggest that it's important for us to recommend an evaluation of the knobs, of the tools, the mechanisms that we have to actually control the River level; level first, flow second. Right now it's the other way around. I would also suggest that a fall like last year is totally unacceptable; anybody that wants more highs or lows, we're in trouble. But if you've got the right controls you can accomplish the objectives.

Bottom line, adaptive control is a dream; it's only a dream without active controls, knobs, the research you've been doing, knowledge and the guts to implement it because it's a big dice roll from the weather. The extremes are important, they're going to happen. We need the strategy for the low supply times, the high supply times and it's a tough job. If we knew how to program a supercomputer to do it all, we don't need the peaks that we've got here and there aren't enough peaks and the lows and the highs some years. You've got a long way to go, see you in a few years. Thank you.

(Applause)

Lana Pollack: Thank you. Jennifer Cattick, David Klein, Lee Willbanks and Kate Breheny

Jennifer Cattick: My name is Jennifer Cattick and I live on Lynda Island, which is just up river between Clayton New York and Cape Vincent New York. Many of you know me from my prior role as Executive Director of Save the River. However I want to be clear this evening that I'm here as a private citizen and I'm not representing the views of any organization.

When this hearing was announced, I went back and dug through all the statements and comments and other materials I've written over the years, first about Plan B, then about B+,

then about Plan 2007, then about Bv7 and I initially thought that I would spend some time reminding you of the importance of implementing a natural flows plan, not only for the environmental health of the River and Lake but also for our region's economic health as well. Then I thought: frankly, what's the use? We've been reminding you of the facts for over a decade. How many more times do we need to say it? I have no doubt that you are smart people; you know what needs to be done but you have yet to take substantive action. Instead, I've just seen too many years of dithering.

With that lack of action, you've allowed others, specifically a small group of opponents, to dominate the public dialogue; and sow doubt misinformation and wild speculation. Yet I don't see you, the Commissioners, really waiting into the fray, responding in a strong way, whether in the editorial pages or at public meetings, nor have evidence of any truly substantial behind the scenes effort to refute misinformation. You've got the science and facts on your side. You have a Plan that was developed through lengthy public and scientific input that is already a compromise by many of the parties. It is time to see serious public diplomacy by you, the IJC Commissioners, to get a new Plan in place. It is hard, messy, uncomfortable work but it is what needs to be done.

You're not being asked to negotiate peace in the Middle East; you're being asked to revise an embarrassingly outdated management plan that was created in an era where rulers used slide rules. Today, you've got a plan whether you call it Bv7 or 2014 that respects the needs of all stakeholders, not just a few.

From my personal perspective, if you don't implement this latest version of a natural flows plan this year, you will have completely abdicated your responsibilities. If you fail to act in the future, frankly I will have zero faith that you the Commissioners have any real interest in protecting the health of the St. Lawrence River and Lake Ontario. And if you fail to act, frankly, I'm done; I'm done letting you waste my time and taxpayer dollars. And my hunch is that most folks around the region feel the same way.

So, IJC Commissioners, step up to the plate! Roll up your shirt sleeves and get this done.

(Applause)

Lana Pollack: Thank you very much. We do have a senior staff person, professional staff who did work on Middle East issues and we have had several conversations as to which one was harder. *(Laughter)* So, David Klein, Lee Willbanks and Kate Breheny

David Klein: *(he decided to skip his turn)*

Lana Pollack: Ok...Lee is coming up. Yes sir.

Lee Willbanks: Thank you. Just for my Board members who were in the audience: the reason you didn't call me earlier was because I spoke to you earlier in the day.

Lana Pollack: That's right and then the other person that was last came in very last...but you're right.

Lee Willbanks: I appreciate it. I do thank you Commissioners and your staff for the opportunity to speak to you again today. I realize that this is just one day for me and you guys have had 4 up until now and you got 2 more so... I think it's a great job and I'm glad you hearing the voices that you're hearing. I will try to be somewhat different; I do have to introduce myself though. Lee Willbanks: the Upper St. Lawrence River Keeper, Executive Director of Save the River.

Thirty five years ago, Save the River was formed by a grassroots group to preserve and protect the ecological integrity of the St. Lawrence River. We've taken on many different issues, honoring that mission and tonight we're here to add the voice of our 4000+ members and followers to the almost 10 000 others who have voiced strong support for a modern water levels plan that takes the environmental needs of the River into account.

A little over 5 years ago, I recall my predecessor who sat in the seat before me tonight, said: "tonight's hearing is feeling a bit like déjà vu". If that was the case then I guess I'm left to quote Yogi Berra that: "tonight's hearing is feeling a bit like déjà vu all over again". First we were there for B+, then last year was Bv7 and now it's Plan 2014. You've been here, we've been here and although some of us are here in different capacities, we're having the same discussion we've had since 1999. Our members and the vast majority of the people in this room, many of whom have left, believe it is time to wrap it up. Implement 2014 and move on to other issues. Simply put, 1958 DD has been a slow moving ecological catastrophe for the water body it seeks to manage. Focusing on power production and the needs of international shipping, it has altered the natural ebb and flow of the River and has devastated coastal habitats along the Lake and River, slowly but radically reducing species diversity. An estimated 64 000 acres of wetlands around the Lake and the River are now dense mats of cattails with result that the life is been choked out of them. These impacts to the physical environment have led to dramatic reduction of native species. Several marsh birds are now on the States threatened and endangered species list and the numbers of key indicator species such as northern pike have declined by 70% among many other species that rely on a healthy, diverse ecosystem for survival. For a region like the North Country, those adverse impacts are felt not just in an environmental loss but it's a real economic loss.

Plan 2014 will reverse the 50 years of environmental damage inflicted by 1958 DD by halting the trend toward mono cultural wetlands and will lead to an increase of wet meadows by 40%. This will increase habitat for northern pike, black terns and other marsh

nesting birds and species. An increase in species diversity and spawning opportunities will lead to an increase in hunting and fishing opportunities as well. Plan 2014 will achieve these benefits to return to a more natural flows and levels that are neither extreme nor frequent. Our local tourism industry relies on the health of our region's environment.

Healthier lake and river wetlands will support stronger populations of native fish and wildlife improving the area's hunting and fishing and strengthening the recreational economies that rely upon them.

Plan 2014 will also extend the average boating season by 2 weeks providing a boost to the regional tourism based economy in most years. More than 50 organizations, including hunting and fishing clubs, chambers of commerce, local governments, environmental groups and recreational boaters have expressed their support for Plan 2014.

In short and in summary, it's time; we the people who live work and play on the Lake and River haven't given up. We urge you not to give up either; because even if we don't own a piece of this shoreline, we all have a place on the water and we expect it to be protected for all our benefit. Thank you very much.

(Applause)

Lana Pollack: Thank you Mr. Willbanks and I will attest to your Board members that your testimony this morning was very helpful and appreciated. Kate Breheny...

Kate Breheny: Thank you. My name is Kate Breheny and I live in Clayton New York. I'm not a very good public speaker...

Lana Pollack: That's ok. Would it help if you started out by telling us about the Clayton half of the Thousand Islands dressing? There's probably less emotional content or maybe it doesn't, I don't know.

Kate Breheny: I support Plan 2014 but not as a 5th generation islander, not as a river rat, but as a newcomer. I'm part of a military family. My husband after serving 21 years in the Coast Guard, including living in Hawaii and California, has found his paradise here on the River. And because of him, I have too. We did not have family here and I didn't know anybody before moving here. But I feel that because of this River, this community is our community and our family. By supporting Plan 2014, I hope I'm doing my part to keep this River as healthy as possible for all future families to find their solace and peace along the shores, whether they are 6th generation islanders, river rats or newcomers. And I thank you and I support Plan 2014.

(Applause)

Lana Pollack: Thank you. I have to say we really appreciate your testimony.

That concludes this hearing. I've mentioned that David Fay and other staff would be here just informally for maybe 15 minutes if you'd like. We do have to be in Montreal in the morning so we are leaving this evening. Once again our thanks and we really appreciate hearing from you and invite you to submit anything in writing up until the 30th.

End of Transcript

Transcript