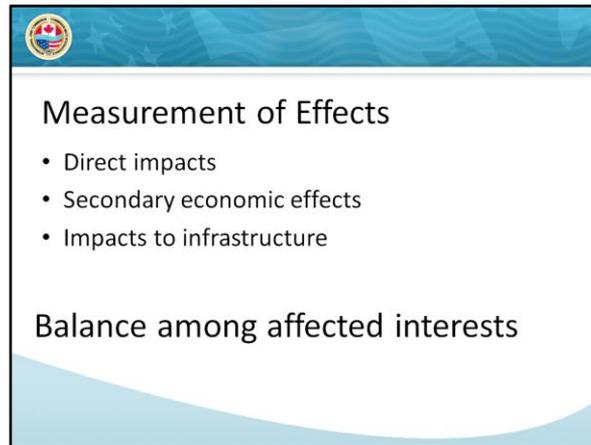


There were a number of comments on the trigger levels when Lake Ontario levels are extremely high or low. We heard that the Board should not have to obtain IJC approval when the trigger levels are reached and the IJC agrees. Our directive now gives the Board full authority to take extraordinary action when Lake Ontario reaches the trigger levels. This will ensure a timely response and better serve the needs of shoreline communities, commercial navigation and others.

Many felt that the triggers were either too high or too low to prevent damages. The triggers provide additional relief for shoreline property owners, commercial navigation, recreational boaters and others, but no triggers can prevent all damages. Tightening the triggers would also reduce the environmental improvements provided by Plan 2014. The IJC considered different triggers and believes that the Plan 2014 triggers strike the best balance.

There was also some misunderstanding about the triggers. The triggers do not define the range of water levels on Lake Ontario. No regulation plan, including the current one, can keep the level of the lake within a prescribed range. The trigger levels also change four times a month. For example, the high trigger levels are lower in the early spring and late fall in order to reduce the likelihood of extreme high levels in the summer. For example, if Lake Ontario is at 74.91 meters (245.77 feet) in the third quarter of November, the Board must provide all possible relief to riparian owners upstream and downstream.



Concerns were raised that communities would suffer major economic impacts that the IJC did not take into account. The studies focused on direct impacts **that will result from a change in plans for managing water levels and flows.** The cost of shore protection is by far the largest direct cost to shoreline communities that will result from a change in regulation plans. The IJC accepts the finding of the Study Board and independent Economics Advisory Committee that measurement of secondary effects is unnecessary for comparing regulation plans. Concerns have been raised about impacts to infrastructure, but the studies found that, in all cases, infrastructure at risk under Plan 2014 was already at risk under the current plan.

Some questioned whether Plan 2014 strikes the appropriate balance among affected interests. The IJC finds that Plan 2014 strikes a careful balance. The existing plan has helped some riparians and harmed coastal ecosystems. Plan 2014 does not fully restore ecosystem health so that it can preserve most of the protection for riparians



### Overwhelming Evidence

- Must act on the evidence
- Straight-forward hypothesis
- Backed by extensive field data at 32 sites on Lake Ontario and Upper St. Lawrence River
- Published in peer-reviewed scientific journals
- Findings replicated in diked coastal wetlands on Lake Ontario and in other freshwater lakes



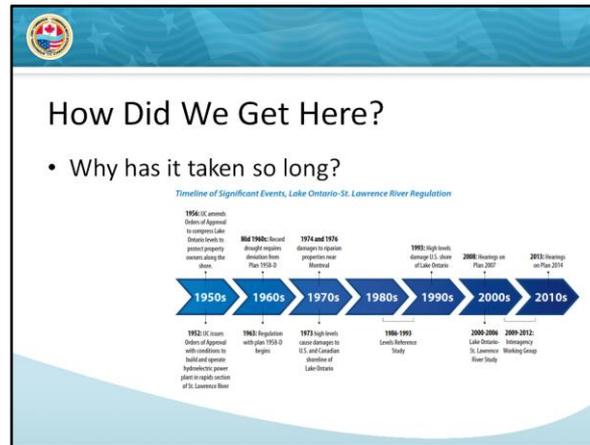
The environmental science supporting the IJC's findings was questioned. After considering these comments, the IJC has concluded that the evidence is overwhelming that current regulation rules damage the environment. The wetland findings are based on the straightforward hypothesis that more natural water level fluctuations will favor certain plant species over others, depending on the plants' water needs. This correlation is backed up by extensive field work on-site demonstrations, and peer-reviewed literature. The National Research Council review of the IJC study, undertaken in 2005, did not challenge the cause-effect relationship between water-level fluctuations and wetland health. And what was cutting-edge science at the time, has since become widely accepted. The evidence is too strong, **we cannot continue the damage.**



### Impacts on Commercial Navigation

- Same overall benefits for commercial navigation
- Lake Ontario levels are extremely low on rare occasion
- Slightly higher annual minimum-levels 90 percent of time

Concern was raised over impacts to commercial navigation during infrequent, but extreme low water years. Overall, Plan 2014 will provide about the same benefits for commercial navigation as the current plan. Under Plan 2014, there is a small increase in extremely low water levels on Lake Ontario, from 1.8 percent of the time to 3.3 percent of the time. Some ships that operate only on Lake Ontario would have to reduce their loads during those years. But because annual minimum Lake Ontario levels are slightly higher under Plan 2014 about 90% of the time, these same ships may be able to carry larger loads in other years.

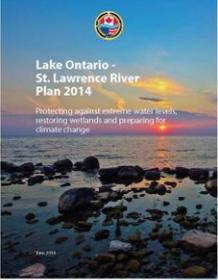


We heard many comments on the length of the process. Those who support Plan were concerned about how long it is taking to put a new regulation plan in place. Those who oppose it also would like to see the process come to an end. The IJC agrees it is time to act. The long process of plan review and public consultation has helped improve the plan, but also has delayed the economic and environmental benefits that can be realized from a new plan. With this report to the Governments of Canada and the United States, we have fulfilled our responsibilities. We look forward to the Governments' response.



## Next Steps

- Report has been sent to U.S. and Canadian governments for their views and concurrence
- Governments will consider the IJC report based on their own requirements



The IJC has provided its final conclusions to the Governments of Canada and the United States and seeks their views and concurrence on the need to change the regulation of water levels and flows. The governments will consider the IJC's report based on their own requirements. The IJC looks forward to receiving a response from the governments.