

## Summary Notes

### **Final Session International Joint Commission and International Lake Ontario – St. Lawrence River Study Board December 5, 2005 IJC Boardroom, Washington, DC**

Participants:

Commissioners: Dennis Schornack, Herb Gray, Irene Brooks, Jack Blaney, Al Olson, Robert Gourd (by phone)

Members from Study Board and TWGs: Gene Stakhiv, Dan Barletta, Doug Cuthbert, Frank Sciremammano, Andre Carpentier, Lynn Cleary, Frank Quinn, Steven Renzetti, Pete Loucks, Sandy LeBarron, Ian Crawford (by phone), Tony Eberhardt, Ed Eryuzlu, Greg McGillis, Arleen Kreuzsch, Bill Werick, Wendy Leger, David Fay, Debbie Lee, Mark Lorie, John Osinski, Skip Shoemaker

Members from the PIAG: Max Streibel, Sandra Lawn, Elaine Kennedy, Larry Field, John Hall, Paul Webb, Tony McKenna

Members from the Control Board: Col Johnston, John Kangas, Ted Hullar, Jim Bernier, Bob Metcalfe, Andre Carpentier, Frank Sciremammano

Members from NAS/ RSC: Jim Wescoat, Lauren Alexander for morning session A.

IJC Staff: Lisa Bourget, Murray Clamen, Mark Colosimo, John Nevin, Jim Chandler, Michael Vechsler, Russ Trowbridge, Tom McAuley, Nick Heisler, Frank Bevacqua, Paula Fedeski-Koundakjian

Facilitator: Neil Fulton

The meeting began at 9:00 am (agenda attached).

#### **A. Presentation of Peer Review Report: Presentation by Jim Wescoat (**Presentation to be provided**)**

- Only work of three TWGs reviewed (Coastal, Environmental and PFEG)
- 17 Documents were reviewed, 40 additional documents made available, plus FTP site
- Committee formed in May 2005, met in June 2005 at Niagara-on-the Lake, Ontario,
- Review was made by eight scientists chosen independently by the NAS
- Final version provided to IJC on December 2 (6 month, fast track review. Typical reviews are one to two years)

- Focus on statement of task, develop evaluation criteria. Recommendations based on:
  - Scientific foundations
  - Integration and display of key info
  - Overall appropriateness and sufficiency
- Committee developed ten specific criteria for review that cut across all categories
- Organization of Findings (Summary):
  - Expanded the understanding of interdisciplinary scope- no other study approaches the level of detail achieved
  - Studies varied widely in empirical support and, overall, need stronger and more consistent quality control, quality assurance and treatment of error and uncertainty (short term – identify limitations in final reports).
  - There needs to be additional independent peer review of the Shared Vision Model (SVM).
  - At the top end, document SAR 3A (a species at risk study) provided excellent treatment of environmental uncertainty.
  - Treatment of uncertainty in other documents did not meet this high standard.
  - Models and studies were inadequate to provide an understanding of trade-offs (short-term – inform decision makers of model integration that has and has not occurred; long-term – develop a system-dynamics model that incorporates feedback)
  - More thorough documentation needed.

*Gene Stakhiv noted Bill Werick provided a 10-page write-up Jim Wescoat responded that the 1000 pages of code was too difficult to follow to check on the validity of the model. He said the model validation needs to be workable and transparent.*

- Effective scientific communication – “Board Room” promising.
- Despite the breadth of LOSLR studies and models, on-going analysis is needed to provide a sufficient scientific basis for long-term decision making about water level and flow regulation:
  - Need for regular updating as knowledge advances and management objectives change.
  - Correcting scientific and modeling deficiencies
  - Evaluation of possible future hydrologic scenarios on current environmental and social performance indicators (PIs).
  - A more comprehensive dynamic modeling approach is needed to understand LOSLR system feedbacks, linkages and uncertainties

Commissioner Comments:

*Commissioner Blaney – It seems in most scientific studies that there is never “sufficient” info.*

*Commissioner Olson – concern regarding how the public will consider these findings;*

*Commissioner Gray – the search for the perfect drives out the good*

- Recommendations:
  - Short-term:
    - Provide additional documentation esp. SVM
    - Inform decision makers
    - Complete conceptual narratives
    - Identification of future study needs
  - Long-term:
    - Correct substantive deficiencies in documentation
    - Adaptive management
  - NAS report can be viewed at <http://www.nap.edu>

#### Key Points of NAS Discussion

Gene Stakhiv: The LOSLR Study will prepare a report within the next two weeks for the IJC so that they can respond to the public and others. It will be available also on the web site.

Col Johnston: Were the three plans reviewed in terms of their being executable?

Jim Wescoat: Beyond our scope.

Gene Stakhiv: Working from two paradigms – scientific and management.

Neil Fulton: What is the cost of adaptive management?

Jim Wescoat: \$4-5 million annually.

Doug Cuthbert: Have addressed uncertainties and will be shown in annexes and in the response coming forwarded in next two weeks. Agree that there should be a review within the next five years.

Commissioner Blaney –That much annual funding will eat up the benefits derived by the Study.

#### **B. Update - Final LOSLR Report Review:** Presentation by Gene Stakhiv **(Presentation to be provided).**

Findings:

- Unique opportunity for change
- 1958DD minimizes shoreline damages
- New candidates have potential for avg. annual benefits of \$4.5-6.5 million
- Up to 35% improvement of the environment
- PIAG involvement has been central
- Stakeholder participation had a decisive role
- Innovative science.

Plans A<sup>+</sup>, B<sup>+</sup> and D<sup>+</sup> fulfill the two goals: provide economic and environmental benefits

“Majority” of the Board considers all three plans to be improvements over Plan 1958-DD with no disproportionate losses.

Three default options with Plan 1958-DD:

- New criteria with same Control Board
- Existing criteria with new Control Board
- New criteria with new Control Board

Final report and annexes include an adaptive management procedure which could be implemented and would pose challenges for the Control Board.

Two plans raise water levels and Plan D<sup>+</sup> lowers the average level slightly. Erosion will however still occur with any plan. Riparians will need an opportunity to adjust shore protection infrastructure. IJC could help on regulatory side – grandfather in existing shore protection, allow them to upgrade, streamline process.

Regarding deviations, there is Board consensus that some should continue, but no unanimity. Emergency deviations agreed to, but not long-term deviations. IJC will have to be involved regarding extreme supply cases (1 in 100 year events).

Completion of Final Report:

- Advance copy to Commission - October 20, 2005
- Final unedited copy to Commission- Nov. 11, 2005
- Professional editing and formatting in English- Nov. 2005
- Translation to French – Nov-Jan, 2006
- Printing English and French in color- Feb.-March 2006
- Public announcement and Release – March 2006
- Separate answer to NAS/ RSC

## **Discussion**

Commissioner Schornack – felt that schedule was generous.

Commissioner Gourd – can option be tracked with 58D and if so, for how long?  
Doug Cuthbert – yes. We are suggested a five-year tracking.

Andre Carpentier – Usually we keep the old plan and track the new one.

Frank Quinn – It would be better to implement the new option and track old plan.

Doug Cuthbert – you would track Plan 1958D.

Commissioner Gourd – What would happen to results if seaway was dredged or widened?

David Fay – No physical changes to the seaway are proposed.

Gene Stakhiv – A proposal was put together by David Fay and Tony Eberhardt on what it will take to convert an option into a weekly operational plan.

All key documents will be put on the Study's Data Management System (DMS), there will be a "Board Room" on the web site, archiving will be complete in December or early January.

### **C. Commissioner Questions/Statements**

(Commissioner Opening Comments)

Commissioner Schornack – The Board Room allows a person to review options and get a good flavor for the challenges that Commission will face in terms of trade-offs.

Commissioner Blaney – The Study process has been an enormous contribution.

Commissioner Brooks – amazing Study, amazing people

Commissioner Gourd – What about climate change at Montreal?

Bill Werick – the City of Montreal is already addressing this, thanks to the M&I TWG and Denis Peloquin.

Commissioner Gourd – Can we put a clause in the report that guarantees no less protection for Montreal?

Tom McAuley – The scenarios considered extreme conditions.

Commissioner Gray – Better to be prepared.

Commissioner Schornack – Do the TWGs feel comfortable with the different metrics used to evaluate economics and environmental aspects?

Elaine Kennedy – yes.

Dan Barletta – different periods of record were used for environment – stochastic (50,000) was only used for wetlands, historic for all other aspects.

Jim Wescoat – there was an error band around environmental numbers but not around the economics.

Commissioner Gray – need to consider all aspects in a similar manner.

Steven Renzetti – There is a weakness in using economics – presume market prices reflect the weights the Commission should use. More appropriate issue might be to consider the number of people affected. Social impacts were not carefully quantified such as how they impact poor people versus richer people. In sum, some indicators were missed.

Sandy LeBarron – Consider species that are ecologically connected observing wetland health.

Commissioner Schornack – I am a reductionist. When talking to Congressman, need to keep it simple and correct (KISS principle).

Lynn Cleary - Plan E is the best environmentally followed by B<sup>+</sup>.

Commissioner Blaney – Reducing the Study to a few factors for decision is not easy. The public makes their decision on value.

#### **D. Individuals Speak:**

Presentation by Dan Barletta (**Presentation to be provided**).

- Stressing fair, goodwill and beneficial
- Showed a plot of average levels comparing pre- (75.0 m peak) and post- (75.1 m peak one-week earlier) regulation.
- Suggested a quarter-month forecast.
- Listed occasions when level was at 247.44 feet and the damages that occurred along Edgemere Drive.
- Noted the impact of glacial rebound. Contention that lake (Ontario) is coming to the trees. David (Fay) mentioned the impact is estimated to be 3 cm per century and was acknowledged but considered negligible.
- Changing present Orders could be a violation for some interests.
- Results are hypothetical.

Commissioner Schornack – What do you suggest the Commission do?

Dan Barletta – None of the plans is better than what we have. Unless you reduce the levels in the spring, none are acceptable. River residents are compensated by the power authority.

Max Streibel – All of the counties along the South Shore oppose any of the plans. The U.S. and Canada agreed during the FERC relicensing process that riparians would be protected.

John Osinski – funds provided by NYPA/ OPG to the river communities are part of the relicensing settlement.

Bill Werick – The information Dan Barletta presented is not the position of the PFEG. All plans, even status quo, will cause flooding and erosion.

Commissioner Brooks – how many structures are affected?

Max Streibel – 600 to 800.

Commissioner Schornack – Dan (Barletta), do you agree that erosion is inevitable?

Dan Barletta – yes.

Bill Werick – Plan G could be pursued further which attempts to improve conditions further for riparians. One-year weather forecasts would improve plans. Lower levels would improve conditions for the environment and riparians, but without long-term forecasting, rec. boaters would likely suffer.

Lynn Cleary – Wetland meadow marsh communities need a natural fluctuation.

Steven Renzetti – We never said there would be no losses.

Commissioner Gray – There are small “p” and large “P” considerations. The shoreline residents are not going to be happy with flooding for the greater good.

Bill Werick – all the plans are the same for flooding, erosion is what is different.

Ian Crawford – Over the life of Plan 1958D (50 years), properties have been acquired in Ontario for shoreline protection purposes. Must consider this in the long term for South shore.

Steven Renzetti – In relative terms, Plan B<sup>+</sup> adds \$170,000 in damages to riparians, which spread over 1000 affected homeowners amounts to \$170 per year.

Frank Sciremammano – orders are written around the four-foot range, permits consider the max high water of 247.29 feet (Corps and NYSDEC). We’re not done yet. Report is misleading. Environmental science is lacking as noted by the NAS review. I cannot defend or support this report.

Paul Webb – IWLC endorses Plan B<sup>+</sup> and changes to the Control Board.

Andre Carpentier – There are downstream impacts. We need to consider “no less protection” for downstream areas. Status quo plan may not be so bad. Track Plan 1958-DD as the actual plan with an option in the background.

Commissioner Schornack – What do you think Congress will say if we say the best thing to do is nothing after taking 5 years and spending \$20 million?

Andre Carpentier – we have new info that can be used.

Lynn Cleary – We can do better than the status quo.

Commissioner Gray – if everything was OK five years ago, why did we do this Study?

Bill Werick – We had to pay more attention to rec. boating and the environment.

Dan Barletta – We were tasked with doing a better job, we’ve gotten more info, it’s not bad to keep status quo.

Frank Quinn – Depending on hydrologic conditions, you may not see any difference with any option over the next few decades.

Andre Carpentier – The shoreline residents asked for this Study and they will not be satisfied with the results. We need to tweak further to improve plans – help rec. boaters. Need to allow deviations by the Control Board.

Commissioner Brooks – were concerns expressed by aboriginal groups considered and included in the Final Report?

Tony Eberhardt – yes.

Commissioner Olson – We need staff to provide additional background information on what led to the Study. (Annex 1 was provided to Comm. Olson).

**Action:** Jim Chandler will provide additional background correspondence and documentation.

Sandy LeBarron – It is not fair to keep the lake subject to the status quo plan. What is fair about allowing the environment to deteriorate for another 50 years? Need to talk about Plan E. Need Ontario and New York to consider better shore management practices.

Commissioner Schornack – three environmental indicators are worse under Plan E.

Sandy LeBarron – Some indicators have adapted to regulation, a shift in the ecosystem.

Commissioner Schornack – Should we remove the dam?

Sandy LeBarron – No we have to live with what we have.

John Hall – Flooding and erosion are natural occurrences. IJC needs to encourage better land use management.

Larry Field – Quality of life is reduced with current practice of building shore protection. We need to have a complementary procedure of a revised plan and better shoreline management by various levels of government.

Max Streibel – Toronto is fortified through federal funding – This won't happen in New York.

Tony McKenna – Frank Sciremammano said environmental info is not valid.

Lynn Cleary – Annex 2 of the Study says that wetland diversity has been lost with the current plan.

Elaine Kennedy – There are problems about accessibility of data throughout the Study. We need to educate people about the System, possibly through Children's Water Festivals or St. Lawrence River Institute annual conference.

Pete Loucks - care must be taken with deviations, since they will change the plans and change the results.

### **E. Closing Remarks:**

Doug Cuthbert:



- We've done as much as we could.
- Proven that Plan 1958-DD maximizes benefits for riparians.
- Lobbying will create problems for the Commission.

Commissioner Brooks plaque presentation to Arleen Kreusch for sustained, excellent work in public outreach for the PIAG.

#### Closing Commissioner Statements

Commissioner Schornack – best science and best public advice available. Never had more information, but does not make the decision any easier. Need to simplify, but that is difficult. No complaints about the process, work done or inter-relationship of the team.

Commissioner Blaney – The Commissioners will look at all interests that have been declared and will ultimately look at what is better for the whole system.

Commissioner Olson – My learning curve has been vertical. We will undertake deliberations in closed executive session. Choices grow and they don't get easier.

Commissioner Brooks – Thanks and congratulations to the Study Board and the PIAG for excellent work. The Study is now moving from the Study Board and the PIAG to the Commission, but we are well aware that there is still continuing interest. A study blog would help to keep all connected. Perhaps Greg could set this up.

**Action:** Greg McGillis will develop a proposal for setting up a blog to keep PIAG/Study participants updated on Study developments.

The meeting ended at 4:30 pm.

Draft Agenda (Nov. 29)  
LOSLR Final Report Review for Commissioners  
December 5, 2005 (09:00-17:00)

Sessions facilitated by Neil Fulton.  
Opening comments by Commissioner Brooks

**A Presentation of Peer Review Report** 9:00 AM – 10:00 AM

Objective – An overview and clarification of the NAS/RSC Independent Review by National Academy of Sciences (NAS) (Steve Parker, Lauren Alexander, Jim Wescoat)

IJC Commissioner to speak prior to limited discussion (Q&A) of the NAS report

**B Update** (30 minutes) 10:00 AM – 10:30 AM

The last three months of LOSL Study \Final Report (Gene Stakhiv/Doug Cuthbert)

10:30 AM – 10:45 AM break

**C Commissioner's Choice** (up to 90 minutes) 10:45 AM – 12:30 AM

Questions and Issues Raised by the Commissioners regarding the LOSL Report (Staff will contact Commissioners on or about Wednesday, November 30 to develop a comprehensive list of issues and questions the Commissioners would like to discuss in detail. Neil Fulton will take the Commissioners and Study Board through this list systematically.)

**Lunch Break** 12:30 PM – 1:30 PM (60 minutes - no planned lunch)

**D Individuals Speak** 1:30 PM – 4:00 PM

This is an opportunity for members of the Study Board and the PIAG who wish to provide additional views or amplify their views on the Study and Report to the Commissioners. Control Board members will be asked to join in also. Structuring of topics and timing will be developed by the facilitator.

**Break** 3:00 PM-3:15 PM

**E Closing Remarks** 4:00 PM – 4:30 PM (30 minutes)

LOSL Study Co-Chairs Summary Remarks  
Commissioners Closing Remarks

