COUNTY OF OSWEGO
OFFICE OF THE COUNTY ADMINISTRATOR

County Office Building • 46 East Bridge Street • Oswego, NY 13126
315-349-8235 Fax 315-349-8237 www.oswegocounty.com
Philip R. Church, County Administrator

June 15, 2009

Frank Bevacqua
2401 Pennsylvania Avenue, NW
Fourth Floor
Washington, DC 20440

Dear Mr. Bevacqua:

I am writing to request a clarification and current information on the status of the International Joint Commission's (IJC) water level regulation plans for Lake Ontario. The latest information on the IJC website, dated September 2008, indicates that the Commission decided Plan 2007 was not "a practical option," that the "regulation of water levels and flows should be based on a revised set of goals and objectives and criteria," and that a work group would be established to further develop regulation proposals and report out in June 2009.

My office and the Oswego County Legislature have been receiving a number of complaints about high-water flooding and erosion damage from shoreline property owners along the southern and eastern shores of Lake Ontario in both Oswego and Jefferson counties in New York State. Several e-mail complaints were circulated to many state and local officials and are attached for your reference, along with photos of property damage caused by high lake levels.

The catalysts for these complaints were high spring water levels exacerbated by an April storm that caused significant property damage, and an IJC public meeting in Oswego which left several attendees under the impression that the IJC was considering a plan to raise the lake level.

At this time I would like to reiterate the Oswego County Legislature's position on Lake Ontario water level regulation, which was adopted unanimously by Resolution 129 of 2008 (attached). The Legislature does not support regulation plans that would raise the lake level. During the past fifty years millions of dollars have been invested in ports, marinas, water intake, treatment and discharge facilities, and public access sites for various recreational activities based on the water levels in the current regulation plan. Private developers and homeowners have also made significant investments to grow and/or protect their respective properties based on specific water levels. Using U.S. Geological Survey data, the New York State Hazard Mitigation Plan identifies the southern and eastern shore of Lake Ontario in Oswego and Jefferson counties as being at moderate risk for landslide (attached), with erosion as a significant contributing cause.

As you review the attached images of flooded properties, please note that although the April storm prompted complaints, these photos were taken on a normal calm day.

Thank you in advance for your response to this request for current information on IJC plans to regulate Lake Ontario water levels. Please mail your response to the address above.

Sincerely,

Philip R. Church
County Administrator

Cc:
Members of the Oswego County Legislature's Economic Development and Planning Committee-
Legislators Morris Sorbello, chair; Louella LeClair; Jack Beckwith; Arthur Gearsbeck; Shawn Doyle; Doug Malone; Arthur Ospelt.

Congressman John McHugh
State Senator Darrel Aubertine
Assemblyman William Barclay
Assemblywoman Dierdre Scozzafava
Legislature Chairman Barry Leemann
Legislator Mary Flett
Legislator Paul Santore
Legislator James Oldenburg
Legislator Kevin Gardner
Legislator Jack Proud
Legislator Margaret Kastler
Robert Hagemann, Jefferson County Administrator
Mr. John Oleyourryk
Mr. David Peirson
Mr. James Jerome

Resolution No. 129

August 14, 2008

RESOLUTION URGING THE INTERNATIONAL JOINT COMMISSION TO EITHER DEVELOP A NEW PLAN FOR THE MANAGEMENT OF LAKE ONTARIO WATER LEVELS OR ADOPT PLAN 2007 WITH THE ADDITION OF CRITERIA FROM THE EXISTING ORDER

By Legislator Shawn Doyle:

WHEREAS, upon completion of the St. Lawrence Seaway and the FDR Power project in the 1950's there became a need the artificially regulate the discharge of water from Lake Ontario in an effort to address the needs of various impacted parties, and

WHEREAS, the United States and Canadian Governments jointly develop a plan for this purpose, and

WHEREAS, during the fifty years that this plan has been in existence millions of dollars have been invested in ports, marina's, water intake, treatment and discharge facilities, and public access sites for various recreational activities along the Southern and Eastern shores of Lake Ontario, and

WHEREAS, in addition to these public investments, private developers and homeowners have also made significant investments to grow and/or protect their respective properties based on specific water levels and the expectations associated therewith, and

WHEREAS, the Lake Ontario/St. Lawrence River Study Board has conducted an in-depth study of the impacts of the existing "Order" that establishes policies for and methods of, controlling water levels in those two bodies of water and proposed various "Plans" to replace or modify the existing Order,

WHEREAS, the existing plan has (with very few exceptions) kept the lake levels between 243.3 and 247.3 feet above sea level for approximately 50 years, and

WHEREAS, residents and businesses along the Lake Ontario shoreline have accepted these levels as natural and they have made their investments accordingly, and

WHEREAS, none of the plans proposed contain commitments to keep the lake below 250 feet above sea level, and

WHEREAS, erosion along the Lake Ontario shoreline within Oswego County is intensified by the prevailing winds

WHEREAS, water levels in excess of 247.3 feet above sea level for any prolonged period of time would have catastrophic effects on the properties along the southern and eastern shores of Lake Ontario, and

WHEREAS, many other communities along the South shore of the Lake have opposed Plan B+ and instead acquiesced to accept Plan 2007 as long as it contained certain criteria from the existing "Order" with regard to maintaining lake levels in the 243.3 – 247.3 feet above sea level range, and

WHEREAS, the Oswego County Legislature finds that the adoption of any of the proposed plans in their current form would be injurious to the county, its residents and businesses, now therefore be it

RESOLVED, that Oswego County Legislature strongly opposes the adoption of any of the plans put forth by the Study Board as they currently exist, and be it further

RESOLVED, that this body would support the adoption of Plan 2007 if it contained the addition of criteria (g), (h), (j) and (k) as used in Plan 1958DD for a minimum of five years or until the "built in" control models are proven to actually work to keep the levels between 243.3 feet and 247.3 feet, and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Governor of New York, The Chair of the United States Section of the International Joint Commission, New York's Congressional delegation representing Oswego County, all of the New York State Assembly and Senate members elected to represent Oswego County and the Commissioner of the New York State Department of Environmental Conservation.

ROLL CALL

YES:	25	NO:	0	ABSENT:	0

I could not find the email id for Mr. Philip Church. Please forward this note to him.

Hi, we've owned a little piece of paradise in oswego county right on the waterfront on the east side of Lake Ontario. Just below the south pond.

Since owning this place (1.5 years) all I've heard from my neighbors is of impending doom from the "big storm surge" wave that's going to wipe out our livelihoods, houses, and properties. This is course is due to the high water levels maintained by the St. Lawrence Control Board. Last week I sat through one of their public meetings (www.islrbc.org.). Almost every public contributor was a lake or basin property owner. And almost everyone complained that the board keeps the levels too high, and with that our properties are being slowly but surely eaten away. The board of course said they must by law keep the lake within a four foot range and that we've had 40 years of wet times, but really had no reason to explain why they always keep the average skew of "off center lake levels" above average rather than below. Above average with any good storm damage our properties. Many folks have lost hundreds of square feet of waterfront property, yet the taxes still go up, not down, just like the lake levels.

One disturbing item I did glean from the board speaker was that IJC (www.ijc.org) has already done a study and has plans to increase the range of the allowable water level range, and with it they actually want to raise the lake levels permanently (to "improve the environment"). This will be property homicide for lake shoreline properties, and with one good storm surge and high levels could make the north and south ponds into part of the lake.

Somewhere, someone in government from every county needs to start attending these public meetings, and being part of an overall solution which meets the needs of not only some damn guppies or wetland somewhere, but the people footing the bill for not only your salary but those of all towns with a vested interest in the lake basin. I pay property taxes twice now in new york now so having this new place that was intended for a little investment nestegg is turning into a rotten egg. Where is the state and county and town representation for us ?? You people should be going to these meetings, you should be part of these studies. We too are part of the planet. If you look the other way, you too will be part of the government machine that forced our houses into the lake without blinking an eye. Negligence as a noun is defined as: Law. the failure to exercise that degree of care that, in the circumstances, the law requires for the protection of other persons or those interests of other persons that may be injuriously affected by the want of such care. In our case hopefully since you now know of our plight (and probably did before), I would guess the courts would agree that you did NOT protect our interests if we incur future damage on your watch due to bad decisions you didn't try to change.

Ask anyone in your county if they want to pay higher taxes because you let them raise the water levels and wipe out all the lakefront properties, and with it many tax dollars. Go get yourself a nys fishing license, and go look in the page for "guidance on what fish to eat". Next to almost all the Lake ontario fish it is noted : "EAT NONE". Is IJC going to fix this problem by raising the lake, and if so how much will it fix (ie: will 2011 guide say eat 2%?), and how long will it take ? If you don't know those answers then maybe you or someone in your office should find out. You should also

ask how many oswego county properties are at risk. I'm betting you don't know that either.

Please send someone from your office to start attending these meetings. Hopefully someone there can make a difference, and let us know of your progress on our behalf. I'm paying $4200 dollars a year in taxes to Sandy Creek. I guess I was a dope for buying this place unaware of the angst that came with it. I've already spent $4000 in seawall repairs. If you let them (IJC) have their way and raise the lake, then our places are worthless; hopefully you'll give us property tax amnesty for a few years for properties worth nothing and let us live there for free till the "big one" hits.
DO NOT allow them (IJC) to raise the lake any higher !!!

Jim Jerome is a longtime resident with multiple family waterfront camps and many more stories of damage, destruction, and government apathy. He is also the president of our association on rainbow shores rd. Please copy him with any response on this subject. Thanks for your time.

Thanks/Rgds,
Dave Pierson
email: pierson@us.ibm.com
68 Matthew Dr.
Binghamton, NY 13901
607.648.3112

13 N Rainbow Shores Rd
Pulaski, NY 13142

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No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.0.238 / Virus Database: 270.11.21/2014 - Release Date: 03/20/09 06:59:00

From: "Jim Jerome" <jjerome1@twcny.rr.com>
To: pierson@us.ibm.com; Pchurch@oswegocounty.com
Date: 3/21/2009 9:36 AM
Subject: Re: lake ontario lake levels - who can discuss this ?

Mr. Church, Thank you for your timely response to North Rainbow Shores Assoc. member David Pierson & myself.Our membership is extremely passionate and frustrated about this high water issue as we have seen long owned family properties eroded away to postage stamp sized lots.This has knowingly and systematically occurred under many agencies watching eyes.We reside in what has been described as one of the most unique and historically significant areas of the Great Lakes dune systems but yet it is allowed to happen.I am saddened that my children & future generations will never know the once beautiful large sandy beach areas that are now gone forever.Taxes increase on what is perceived as valuable properties during a recession as we are told by NYS that we here on the water are different from the rest of the country.We have no services whatsoever and must acquire new access Right of Ways to our properties as old ones become part of the lake.I could go on & on but I will be glad to become part of any effort on behalf of our membership to fight this high water issue.I believe the muskrats & the tax payers can live in harmony.. Regards,Jim Jerome President N. Rainbow Shores Property Owners Assoc.
----- Original Message -----

From: David Pierson <pierson@us.ibm.com>
To: Pchurch@oswegocounty.com
CC: jjerome1@twcny.rr.com
Date: 3/22/2009 8:00 AM
Subject: Re: lake ontario lake levels - who can discuss this ?

Mr. Church,

I also thank you for your response.

I am a "newbie" to this stuggle, but certainly just as fired up as Jim and the others, and will do anything in my power to help.

The information you provided was for the current lake level approvals I believe. But at issue is the comment from the board last week, that IJC has new plans to raise lake ontario levels even higher (widen the range whereas higher range would be above the 247.3 and permanently raise long term average lake levels EVEN HIGHER). If this is true, we need to stop it before it becomes new law. Hopefully you find out about this and intervene if necessary on our behalf (your family's places and ours).

Thanks in advance/Best Rgds,
Dave P.

"Today is a gift, that's why it's called the present."

From: David Pierson <pierson@us.ibm.com>
To: John.W.Kangas@lrdgl.usace.army.mil
CC: Pchurch@oswegocounty.com; jjerome1@twcny.rr.com
Date: 4/8/2009 9:12 AM
Subject: Lake Ontario water levels

John,

I am also a lake front property owner... on the west end of ontario, near Jim Jerome. I purchased this property a year and a half ago, and kick myself every time I think that our new paradise is just one computer model error away from being destroyed. I was at the lake last saturday during the storm, and could not believe how high the lake was, and was just waiting for "the" big wave to crash through my front picture window.

Who can help us here ? The current host of players seems unable or unwilling to help. Same story every time: water is too high, the storm destroys our property, we send pleas for help, nothing happens. It's always reaction, no proaction. Always too late, too bad, so sad.

At the last board meeting, the board speaker gave out a comment out about a new IJC study that showed that lake levels EVEN HIGHER than the current 247 upper limit would "help the environment". He said IJC may soon actually raise the upper level above that level (247'). Can you comment on that ? And if that's true, do you offer us market value for our properties since after that they will all definitely be part of the lake ?
I just had mine re-appraised last saturday, so I can give you a current value.

This was the Army corps apology when admitting to their mistake - the fault of the levees in New Orleans:
(from june 1, 2006 cbs interview - J. Hoar:
http://www.cbsnews.com/stories/2006/06/01/national/main1675244.shtml)
"The Corps, (Genl Carl) Strock said, has undergone a period of intense introspection and is "deeply saddened and enormously troubled by the suffering of so many." Katrina damaged 169 miles of the 350-mile hurricane system that protected New Orleans and was blamed for more than 1,570 deaths. I include this info only to point out that you "experts" (the corps) can be really really wrong. That 6000 page study "only" cost taxpayers $20 million.

We don't need a study here - hey, HELLO out there - the corps screwed up - the lake level calculations are wrong - during the last 30 wet years under stressful conditions - the lake is TOO high - it destroys private property - "our levees are failing... everywhere"
Put that in your new math models and crunch us some new lower levels.

Maybe Jim Jerome and all the others are right, there is a different agenda and the water managers don't care. It sure seems that way. It certainly does not seem anyone connected with water level management is "deeply saddened" or even "sort of sad" about the continued destruction of our properties. No apologies, no action plan, no tax relief, no nothin'. Just blame everything on Mother Nature. God help us.

Maybe we can apply for stimulus money. Lord knows if the lake goes over 247', all our properties will be "shovel ready".

Thanks/Rgds,
Dave Pierson
pierson@us.ibm.com
68 matthew dr, binghamton, ny
13 n rainbow shores rd, pulaski,ny - member of N Rainbow shores property

assoc.

----- Original Message -----
From: Jim Jerome:
To: John.W.Kangas@lrdgl.usace.army.mil
Cc: Phil Church
FYI
Sent: Monday, April 06, 2009 8:50 AM
Subject: Lake Ontario water levels

John, I write once again as Saturday's storm was a disaster on our shoreline.It is extremely disappointing that after a record dry March the board has chosen to turn it's back on property owners.Fall & Spring storms have been a reality for years but the board either has learned nothing or does not care for our plight. I now refuse to throw more money into rip rap at this problem as it is like throwing money into the lake. When the lake takes my cottage ,which it will,then the school districts & counties can find another way to gather taxes.We property owners are the only true lovers of this lake but we get zero support from government.Government has destroyed a once gorgeous treasure ! Jim Jerome President N. Rainbow Shores Property Owners Assoc.

From: <tcq11@aol.com>
To: aubertin@senate.state.ny.us
Date: 5/5/2009 9:02 AM
Subject: Lake Ontario water level

Dear Senator Aubertine: It is with great displeasure and saddness that I find it necessary to write you concerning the Lake Ontario water level. Although there are conflicting views on the level from different interests. It has been my experience over the 40 years I have owned property at Renshaw Bay that the increase in the level has continued to cause irreparable damage to the dunes and beaches along this area. The high water coupled, with high winds have ripped out the dunes and vegetation allowing the winds and water to deposit the sand into Sandy Pond. The pond is fast becoming a bog. Many bushiness enterprises wish the lake to be raised in order for the boats to maneuver. Unfortunately, this approach is contributing to even more damage and eventual destruction of the boating industry in that area. Personally, I have lost approximately 80 feet of property depth,. The boulders ?I had brought in to protect the dunes are being pulled in by the ice during the spring thaws. P
roperty values will be negatively effected in this area due to the lost of property and ?the the beautiful wide sand beaches are now only rocks. I strongly ask you? to support the lowering of the lake level to a mid level in the present allowed range as opposed to maintaining it at the highest level allowed. Definitely do not support any increases in the level. If the past and/or planned increases in the level continue it will only contribute?to a vast negative effect on the economic future of this beautiful area of our state.?
Thank you.

John F. Leonardo
11 Taurus Circle
(Lower Renshaw Bay Road)?
Mannsville, NY

From: "Jim Jerome" <jjerome1@twcny.rr.com>
To: John.W.Kangas@lrdgl.usace.army.mil
CC: Pchurch@oswegocounty.com
Date: 4/6/2009 8:51 AM
Subject: Lake Ontario water levels

John, I write once again as Saturday's storm was a disaster on our shoreline.It is extremely disappointing that after a record dry March the board has chosen to turn it's back on property owners.Fall & Spring storms have been a reality for years but the board either has learned nothing or does not care for our plight. I now refuse to throw more money into rip rap at this problem as it is like throwing money into the lake. When the lake takes my cottage ,which it will,then the school districts & counties can find another way to gather taxes.We property owners are the only true lovers of this lake but we get zero support from government.Government has destroyed a once gorgeous treasure ! Jim Jerome President N. Rainbow Shores Property Owners Assoc.

From: "Kangas, John W LRDGL" <John.W.Kangas@usace.army.mil>
To: sage@syrres.com; eileenb14@netzero.net; jjerome1@twcny.rr.com; pierson@u...
Date: 4/13/2009 2:52 PM
Subject: Lake Ontario levels/storm of April 3-4 (UNCLASSIFIED)
Attachments: CVincent.pdf

Classification: UNCLASSIFIED
Caveats: NONE

I have received a number of e-mails regarding the storm of April 3-4 and its impact to eastern Lake Ontario. Some of you shared your e-mail with others, so I am sending this reply to them, as well.

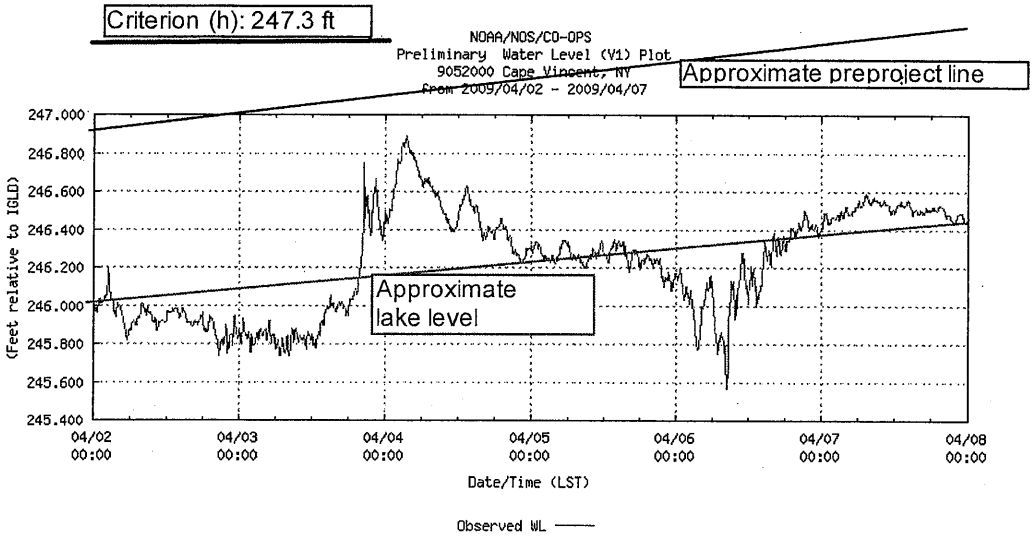
Attached you will find a water level plot for the Cape Vincent gauge. To that plot I have added three lines: 1) the upper water level limit (which is a monthly mean); 2) a line showing the lake-wide level (average of 6 gauges); and a line about 0.9 foot higher, the preproject level. The preproject level is what the lake level would have been without outflow regulation. As you can see, levels would have been a great deal worse for riparians without regulation.

Of course, damages are not caused by levels alone, but by waves and runup in the case of flooding, and in erosion-prone areas, is a continuous process. The storm underscores the Board's continuing caution that riparians need to be prepared to live within the entire range of levels. The only level that the Board has a measure of contol over is the lake-wide level, not the local level that is changed by winds. Being a property owner carries a risk that is rightly borne by you, just as the benefits of the lower water levels that result from outflow regulation are enjoyed only by you.

In 1956 the U.S. and Canadian Governments agreed to attempt to limit the levels to no higher than 247.3 on a monthly average, reducing the extremes experienced in the past. Storm events will continue to happen and can cause damages from flooding or erosion even while levels are below 247.3 ft.

I will share your e-mail with all Members of the Board, and with the IJC.

John Kangas
US Secretary
Classification: UNCLASSIFIED
Caveats: NONE


Criterion (h): 247.3 ft
NOAA/NOS/CO-OPS
Preliminary Water Level (V1) Plot
9052000 Cape Vincent, NY
from 2009/04/02 - 2009/04/07
Approximate preproject line
Approximate lake level
(Feet relative to IGLD)
247.000
246.800
246.600
246.400
246.200
246.000
245.800
245.600
245.400
04/02 00:00
04/03 00:00
04/04 00:00
04/05 00:00
04/06 00:00
04/07 00:00
04/08 00:00
Date/Time (LST)
Observed WL

From: Ryan, Jeremy
To: Ryan, Jeremy;
Subject: Documents
Date: Wednesday, October 07, 2009 4:46:13 PM

Informational Package for 10/8/09 meeting with D. Aubertine Watertown, NY

We hold these truths to be self–evident,
That all men are created equal,
That they are endowed by their Creator
*with certain unalienable **Rights**,*
*That among these are Life, Liberty and the **pursuit of Happiness**.–*
That to secure these rights, Governments are instituted among Men,
Deriving their just powers from the consent of the governed.
==========

EMINENT DOMAIN, ALSO KNOWN AS **CONDEMNATION**, IS THE PROCESS BY WHICH A GOVERNMENTAL OR QUASI-GOVERNMENTAL AGENCY TAKES PRIVATE PROPERTY FOR A PUBLIC USE.

The "Act of 1976"
http://www.law.cornell.edu/uscode/33/usc_sec_33_00000426---l000-.html
Thirty three years ago the direction of congress of the UNITED STATES was to mitigate shoreline damage on lake ontario. If you knew nothing else about this issue, had never visited damage first hand, or talked to a lake property owner that lost his/her house, wouldn't this alone clue you in that our shoreline damage is real and serious ?? And where's the mitigation plan from the $2 million dollars the taxpayers paid for. We certainly have not seen a single beneficial action from IJC, or the corps or the state to provide loans or skills or anything to help us keep our properties. In fact all land we lost, we were never re-imbursed for, and now belongs to the state. Theft pure and simple. But now we're ready for all these spiffy plans - send in the crews to fix us up. Better late than never.

TITLE 33 > CHAPTER 9 > SUBCHAPTER I > § 426l

§ 426l. Protection of Lake Ontario

(a) Plan for shoreline protection and beach erosion control; report to Congress

The Secretary of the Army, acting through the Chief of Engineers, is directed to develop a plan for shoreline protection and beach erosion control along Lake Ontario, and report on such plan to the Congress as soon as practicable. Such report shall include recommendations on measures of protection and proposals for equitable cost sharing, together with recommendations for regulating the level of Lake Ontario to assure maximum protection of the natural environment and to hold shoreline damage to a minimum.

(b) Minimization of damage and erosion to Lake Ontario shoreline

Until the Congress receives and acts upon the report required under subsection (a) of this section, all Federal agencies having responsibilities affecting the level of Lake Ontario shall, consistent with existing authority, make every effort to discharge such responsibilities in a manner so as to minimize damage and erosion to the shoreline of Lake Ontario.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section $2,000,000.

(d) Short title

This section may be cited as the "Lake Ontario Protection Act of 1976."

The 2004 study (Baird and Assoc)

http://www.losl.org/twg/pi/pi_erosion-e.html

We're not quite sure why this study was done but it was completed two years prior to the completion of the 20 million dollar study. If you read nothing else, read this study - specifically the "Importance Section" below. It CLEARLY states the shoreline damage is caused by high water levels (we knew this), and that by reducing the frequency of high water occurences, shoreline damage could be minimized. The highest water level to minimize damage recommended for the notorious storm months (jan-apr) is **246.2' !!** That means anything over that will cause SERIOUS shoreline damage. So who would support a plan to risk it all and raise the lake to **248.3'** ? Did anyone ask IJC, if the lake ever got to 248.3', how long it would take to remove three feet of water to get back to the lake mean of 245.3 ? I'm guessing it would take a month or more. Ha, and there would no storms in a month ? So much for 1% damage estimate (>248), we have damage once or twice a year already.

Importance: Erosion is an important natural process and it has been modifying the shoreline of Lake Ontario since the retreat of the Wisconsin glaciers approximately 12,000 Years Before Present. The goal of this PI is not to stop all future erosion, but rather to minimize high lake levels that accelerate shoreline recession rates above the long term average or background erosion rate.

Further, a significant percentage of the shoreline property on Lake Ontario and Upper St. Lawrence River is privately held by riparian owners. The Boundary Waters Treaty of 1909 and the current Regulation Plan (1958D) does not specifically recognize the needs of this stakeholder and the economic costs associated with high lake levels, If the frequency of high lake levels is reduced in the future and the current upper limit of the operating range is reduced, erosion rates and the associated economic loses will decrease.

Performance Indicator Metrics: Maximum monthly mean lake levels are the metric for the Erosion PI on Lake Ontario. The table below summarizes the upper threshold for monthly lake levels (recommendations current as of spring 2004):

historically bad storms

Upper	Jan.	Feb.	Mar.	April	May	June
Meters	74.70	74.70	74.87	75.04	75.20	75.20
Feet	245.1	245.1	245.6	246.2	246.7	246.7

Upper	July	Aug.	Sept.	Oct.	Nov.	Dec.
Meters	75.20	75.20	75.04	75.87	74.7	74.7
Feet	246.7	246.7	246.2	245.6	245.1	245.1

The $20 mil study - 2006

Five years, and $20 million dollars - and lake owners still have no champion. Still no one defending our cause. Plan B+ is an experiment just like the other failed experiments on the mississippi, and the new orleans levees. And the only risk of plan B+ is that OUR lake properties will be sacrificed during the experiment. Page 3 says the "Study Board would not accept disproportionate losses to any sector". Lake owners are the only losers in Plan B +. That's not disproportionate ?

Report offers IJC three options

- Plans A+, B+ and D+
- None radically different from current operating plan, 1958D with Deviations
- Study Board would not accept disproportionate losses in any sector for overall gains
- Had to balance 6 interests and 3 regions as well as Board's guidelines
- All 3 options increase overall benefits, but in different ways

Oswego County on record 2008, 2009, Opposing any "raise the lake" IJC plan

(See attached file: COUNTY OF OSWEGO.pdf)

Phil Church, and oswego county administrators oppose any ijc plan to raise the lake. They (25-0) passed legislation (resolution 129) dated August 14th, 2008 opposing water level regulation changes that essentially would raise lake, damage properties and cause financial hardship on their county. Mr. Church re-iterated that position again this year on June 15th with a letter to Frank Bevasqua. You were on copy. We don't know Jefferson county position - Mr Haggeman must have the same email and answering service as you do. Two weeks have passed and my email and phone call were never returned.

Dear Mr. Bevacqua:

I am writing to request a clarification and current information on the status of the International Joint Commission's (IJC) water level regulation plans for Lake Ontario. The latest information on the IJC website, dated September 2008, indicates that the Commission decided Plan 2007 was not "a practical option," that the "regulation of water levels and flows should be based on a revised set of goals and objectives and criteria," and that a work group would be established to further develop regulation proposals and report out in June 2009.

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The catalysts for these complaints were high spring water levels exacerbated by an April storm that caused significant property damage, and an IJC public meeting in Oswego which left several attendees under the impression that the IJC was considering a plan to raise the lake level.

At this time I would like to reiterate the Oswego County Legislature's position on Lake Ontario water level regulation, which was adopted unanimously by Resolution 129 of 2008 (attached). The Legislature does not support regulation plans that would raise the lake level. During the past fifty years millions of dollars have been invested in ports, marinas, water intake, treatment and discharge facilities, and public access sites for various recreational activities based on the water levels in the current regulation plan. Private developers and homeowners have also made significant investments to grow and/or protect their respective properties based on specific water levels. Using U.S. Geological Survey data, the New York State Hazard Mitigation Plan

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IJC Public meeting 2008 - Alex Bay
http://www.ijc.org/en/activities/losl/transcripts/2008_06_25_Alexbay.pdf
Starting on Page 53 - rep Lee Wilbanks gives his (and Aubertine) support of plan B+. He gives lots of rhetoric concerning who wins. There is no mention of who loses. Lake property owners are the ONLY losers of plan B+ or any other plan that raises lake levels."Today, I – again, Senator Aubertine – would like to join the residents of this region, my elected colleagues at the village, town, county, state, and federal levels, the business leaders, the environmental groups, and the scientists, who have all spoken out on this issue. I am here to support Plan B+ as the best of all options to discuss. It is the most environmentally sound, the most economical choice before us today. No other plan comes closer to mimicking the natural state of the Saint Lawrence River and Lake Ontario. No other plan would do more to restore wetlands. No other plan does more to maximize hydro power generation for both the New York Power Authority and Hydro-Québec. No other plan does more to aid commercial shipping and recreational boating with consistent water levels throughout the summer."

The last speaker (Page 67 and 68) was an IJC gentleman (Tom Mcauley).
He left a sobering final message for the "river rally":
"I am hoping that those that might have believed that B+ would be better during lower years for recreational boating, there will be some hard years. On average, it might be somewhere between **two** and **four** years **out of ten** where they'll say we've got no water to get our boats in and out of the marinas.So I just wanted to make sure that nobody has that wrong impression."
He warned the crowd that on average the river would be low ("no water in the marinas") 20 - 40% of the time with plan B+. There was no frenzied applause - no laughter - no comments at all. I guess just then they realized plan B+ will be worse for them too ? Did Wilbanks bring that little tidbit of info back to you for consideration ? Do you still support B+ if the **Lake AND River** folks lose ?

Conclusions

The Plan B+ damage is very discriminatory - it ONLY causes damage to Lake Property owners.

If IJC comments are true, Plan B+ will on average will be LESS desirable (less water) for St Lawrence recreational activities (per IJC: McAuley - 2008 alex bay public meeting)

Stealing is defined as: "to take (the property of another or others) without permission or right". The government has stolen our property for 30 years, and then the DEC prohibits us from reclaiming or rebuilding on it. Some may call that eminent domain. But without restitution, it's called stealing ! Besides Oswego county, seems everyone is against the lake property owners. If you intentionally flood us out with plan B+, the least you could do is pay us for our reimburse us or help us rebuild. So unless you plan to buy our property, or spend government money to protect the property we pay taxes for, then let's change the law to keep DEC out of our pockets. Also let's start the talks again about helping us to protect what we've got (breakwater, etc). There is now is a $10,000 fine to anyone with equipment that touches the water. I'll be the first one there in Oswego when they start the Schumer $4Mil breakwater project, to make sure their equipment doesn't touch the water either.

Plan B+ destruction will affect all taxpayers. The taxpayers left with land will absorb tax hikes to from lost lake tax revenues.
There are some towns that risk 30% increase (sandy creek).

The beneficial results of Plan B+ are a scientific educated guess... Thirty years of property damage (at 1958d levels) is FACT.The 1% estimate of damage from B+ is so inaccurate, it's laughable, since we already have damage every year under 247'. Wasn't it the corps that said there was 0% chance the levees would fail in new orleans ?? Just look how that prediction turned out. Wonder why the corps is helping those victims ? Their land is below sea level, why doesn't the DEC prohibit them from rebuilding ? Oh that's right - that whole mess was the (corps) fault !!! Plan B+ will be too.

Katrina victims had their lives destroyed by an Army Corps levee. Had they had the same irrefutable proof earlier that the levees would fail (ie "our properties are being eaten by the high water levels and the lake"), perhaps they could've fixed them before the katrina disaster in 2005. You already have the proof. We've had Katrinas for 30 years. And not only are you not helping us repair and rebuild, you now support sending us a category 5 hurricane called Plan B+ to deal with.

You and all the senators need to go see the devastation. Go talk to the lakeshore owners, and see what they say when you tell them you support the plan which will raise the lake levels. Go tell them the tens of thousands of dollars they've spent in lost land, seawalls, taxes, and what little property remains is now all at risk. Tell them you support the B+ poker game, and you are "ALL IN" with their deeds.

All the lake county state senator**S** need to find out where IJC is at regarding a new plan. The whole reason we all are walking on eggshells is the uncertainty of our lake property futures. And like oswego, you need to iterate (in unison) that any plan that raises the lake levels is very BAD for your folks.

Find out why nothing was done following the protection act of congress of 1976. We should be getting help to keep our land, not lose it to a bad political decision.

Until IJC comes clean and tells us what direction they are headed with these dopey plans, we will continue beat the ontario coastline bushes and tell the folks the truth about the discriminatory government intrusion into our persuit of happiness. Why don't you just steal our privacy, and leave our lake houses alone ? The letter to the editor section in 20 or 30 papers should be a perfect place to air out our angst.

This is our generic **letter to the editor**:

Fellow Taxpayers,

The government is stealing our land and soon will pick your pockets from the fallout of their intentional experiment (remember the new orleans levees?) to raise lake ontario water levels (plan B+). If the army corps (IJC) passes this new plan to raise lake ontario water levels to 1973 flood levels, our lake shore properties (already taxed through the nose), will surely be lost to the lake. We already suffer erosion damage at much lower levels than plan B+ proposes. We keep trying to protect what little property we have left, on our own dime with expensive seawalls, but at the proposed B+ levels they too will succumb to the lake with our houses soon to follow.

To make matters worse, when we lose our land or house the DEC prohibits us from reclaiming any lost land or rebuilding on what little if any land is left. Plus we now hear there is a $10,000 fine for anyone caught with a construction machine touching the water. Ever try to lifting a two ton rip rap boulder by hand ? It appears our (doomsday) fate is sealed.

All that will be left is all our tax bills shared by those (you) left standing. My taxes went up 37% just in two years during the "Great Recession". So what part of my $4400 tax bill will you pay ? Lake property owners support 30% of sandy creek budget. What percent is it in your town/city/county ? Do the math. We're taxpayers just like all of you. Our "levees are failing" everywhere and no one cares. The Corps own 2004 study concludes high water DOES cause shoreline erosion. And for 33 years, they still continue to defy their own act of congress (4261 Lake Ontario Protection Act of 1976) which instructs the army to produce a plan to provide shoreline protection. They set aside $2 million dollars for this act. Must be, just like the stimulus money, they just split up that money, because lake property owners never got a (s)cent of any help. As a matter of fact most folks have lost at least 30% or more of their shoreline since then.

This goes way beyond eminent domain. We'll lose everything and won't get a dime. We call that stealing. And unlike New Orleans, this disaster will be planned. We have several "Katrina like" storms already every year. Now they want to send us a category 5 storm called plan B+. Call your state senator, tell them to oppose plan B+ or any other plan that raises lake levels before it's too late.

David Pierson - Member of N. Rainbow Shores Landowner Association - Pulaski, NY 13142

The following information is a collection (plus my footnotes) of a few of the hundreds of web sites I've visited on this subject.

Riparian Alliance Website - Lake Ontario damage - lesson 101
http://www.loranet.org/index.html
From the comfort of your office, you can see many of the same pictures we see when we to walk a couple hundreds of feet on either side of our places on the eastern shore. We know the southern shore folks get pounded and have destruction as bad or worse. This also to give basics of proposed new ijc water level plans, with stunning pictures of damage and places "ready to fall
in the lake".

A need for an Erosion study
http://www.cjscons.com/downloads/Stewart01.pdf
A REVISED GEOMORPHIC, SHORE PROTECTION AND NEARSHORE CLASSIFICATION OF THE CANADIAN AND UNITED STATES SHORELINES OF LAKE ONTARIO AND THE ST. LAWRENCE RIVER -
The resultant Riparian study (baird and assoc -2004):
http://www.losl.org/twg/pi/pi_erosion-e.html
This is on the **IJC** WEBSITE !!
This study clearly reveals (as we already knew) that high wates DOES induce shoreline damage. The GOAL of this study was to minimize high lake levels. "If the frequency of high lake levels is reduced in the future and the current upper limit of the operating range is reduced, erosion rates and the associated economic loses will decrease."
Why weren't these pro lake results (2004) ever considered by anyone in the IJC ?? Are all branches of government anti lake like all the media was anti bush ??

Fire chief - Town of Greece - B+ will be a disaster
http://www.ijc.org/fr/activites/losl/submissions/pdf/2008_06_11_Meeker.pdf
This man was a Fire Chief during '73 flood and predicts disaster of the same intensity will occur if they raise lake

level above 248' (Plan B+).

Business Owner opposes Plan B+
http://www.ijc.org/en/activities/losl/comments/comments_received_387.php
One of the thousands of lake stakeholders afraid of what's to come with new IJC water level plans.

Toronto Islands threatened by Lake
http://www.urbantoronto.ca/showthread.php?t=4591
The Lake levels threaten the Toronto Islands, one of the four water filtration plants and the Arts Centre. They're facing 10's of millions. Are you plan B+ bigots going to tell them not to waste their money on little systems "The islands are considered dear to many Torontonians, who view them as the city's version of New York's Central Park. More than 1.2 million people visit them every year, brought across Toronto inner harbour from the city's downtown by a fleet of municipal ferry boats. Stopping the erosion won't be cheap and it won't happen any time soon. Ms. McDonnell says breakwalls could cost anywhere from **$10-million to $13-million**, and would take years to complete.".
More breakwall talk ? Towns and businesses can save their land, but private lake homeowners can't ?

Adaptive management (IJC document)
http://www.ijc.org/LOSLdocuments/pdf/LOSL_background_adapt_mgmt_e.pdf
Managing the Lake Ontario–St. Lawrence River system is a responsibility shared by all interests and stakeholders. The Commission, therefore, calls on them to participatemeaningfully in adaptive management for better regulation of the system. The success of an adaptive management program will depend largely on actual commitments from stakeholders to collaborate and provide or redirect resources for this purpose.

Opinion on oswego's failure to fix breakwater
http://www.syracuse.com/oswego/index.ssf?/base/news-15/1243414547258880.xml&coll=1
"If it fails, it would be **catastrophic**," Daniels said (on failing to fix the oswego's breakwater)
Sad for them, worse for property owners... DEC won't let us build breakwater. If they did they couldn't steal our land.

Chuck schumer blowing $4mil in tax money ? will this too be compromised and destroyed by B+ ?
http://www.cnycentral.com/news/story.aspx?id=305044
"The 100-year-old breakwater, which juts out into the harbor, is designed to buffer the port from waves whipped up by the
notoriously high winds that come off of the lake.". So why can the breakwater be fixed by Schumer but DEC forbids us to do
the same at our own expense ?

Great Lake Debate: Setting a Water Level for Lake Ontario
http://www.syracuse.com/news/index.ssf/2008/08/great_lake_debate_setting_a_wa.html
"For more than 50 years, the dam on the St. Lawrence River at Massena has determined the water levels in Lake Ontario, with it'sprimary mission to protect shoreline property from damage and erosion." Ok guys, this hasn't worked, what are you doing to fix it ??
"Higher Lake Ontario water levels would destroy seawalls, flood septic systems and wash away some camps, or even year-round homes, said Kim Park, supervisor of the lakeside town of Wolcott in Wayne County." Proponents of B+ say high water destruction will happen *only* five times in a century. So why then did we have destruction already twice this year in April at 246.3 TWO FEET below proposed high water of plan B+ ??

Flood stories - hurricane Hazel
http://www.ec.gc.ca/water/en/manage/floodgen/e_ont.htm
The most severe flooding on record in Ontario occurred in October 1954 when Hurricane Hazel passed over the Toronto area. Eighty-one lives were lost and damages were estimated at $25 million ($**146.9** million in 1998 dollars).

A need for an Erosion study
http://www.cjscons.com/downloads/Stewart01.pdf
A REVISED GEOMORPHIC, SHORE PROTECTION AND NEARSHORE CLASSIFICATION OF THE CANADIAN AND UNITED STATES SHORELINES OF LAKE ONTARIO AND THE ST. LAWRENCE RIVER -
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This study clearly shows high waves DO induce shoreline damage. The GOAL of this study was to minimize high lake levels. "If the frequency of high lake levels is reduced in the future and the current upper limit of the operating range is reduced, erosion rates and the associated economic loses will decrease." Why weren't these pro lake results (2004) ever considered by anyone ?? How could they even suggest Plan B+ when the highest recommended level in the storm months is: 246.2'.

High water erosion damage
http://www.westsidenews.net/OldSite/westside/news/2005/0731/features/lakeontario.html
Lake erosion has reduced the beach area in front of cottages just east of Hamlin Beach State Park at Troutberg. The scene and the problem are repeated along the Orleans and Monroe County shoreline in spite of rock barriers

and gabion systems.

High water erosion damage
http://www.highbeam.com/doc/1G1-134807963.html
"I'm not just some snotty private land owner," Gressani said. "I'm an environmentalist too. I'm not just concerned about the loss of my land, but the loss of the public beaches and the environment those beaches .."

High water erosion damage
http://dspace.udel.edu:8080/dspace/handle/19716/1201
"The major problem in this area stemmed from the high level of Lake Ontario. This high level, along with the even higher waves which accompanied the March 17 storm, caused severe erosion along much of the shore of Lake Ontario from St, Catharines to Vhitby and beyond. In the area which we selected for study this posed a parricular threat, for the erosion at the foot of the shoreline bluffs caused landslides at the top of the bluffs, leaving some homes very near the edge of the bluff and in danger of sliding over. Further along the shoreline the major problem was simply the high water level itself, which threatened to flood some homes and cottages on a sand spit between the Lake and a bay."

Federal Protection Act to minimize damage and erosion
http://www.law.cornell.edu/uscode/33/usc_sec_33_00000426---l000-.html
1976 Act of congress, to protect lake ontario shorelines. Hmmmm never saw one of these to raise water levels for more convenient boating ??
". . . Federal agencies having responsibilities affecting the level of Lake Ontario shall, consistent with existing authority, make every effort to discharge such responsibilities in a manner so as to minimize damage and erosion to the shoreline of Lake Ontario. "

Flooding and Erosion
http://books.nap.edu/openbook.php?record_id=11481&page=63

Water Level pros and cons - you are forbidden from reclaiming lost lands
http://www.westsidenews.net/OldSite/westside/news/2005/0731/features/lakeontario.html
"As part of their repairs, his family created a stone break wall in an effort to tame raging waters in the future. But Goodrich claims, by current Department of Environmental Conservation regulations, he would not be able to do that today. The **DEC forbids reclamation of land lost due to storm damage** and high water erosion." With the storms of '73, Goodrich says he lost 60-70 feet of his shorefront property. Today, the DEC will not allow a homeowner to reclaim lost land by building break walls, or other means, he says, **despite having deeds and photographs** to verify the changes."

High water erosion damage
http://www.epa.gov/glnpo/aoc/oswego.html
Oswego River - area of importance

Ongoing protection needed
http://www.lre.usace.army.mil/ETSpubs/HFS/Oswego%20Harbor.pdf
Continuation of breakwater structure maintenance. Same scenario - they can rebuild we can't. Isn't that discrimination ?

Historic Lighthouse in danger
http://en.wikipedia.org/wiki/Oswego_Harbor_West_Pierhead_Light
Lighthouse was historic in 2000, listed as surplus in 2006.

Expanding Oswego Harbor
http://www.esf.edu/ecenter/goinggreen/oswegoharbor.htm
Going Green: Expanding Oswego Harbor

Study on Eastern shore 126000 visitors per year
http://www.seagrant.sunysb.edu/glhabitat/dune/Color%202004%20dune_reportfinal.pdf
eastern shore study - dunes, lakes, ponds, streams... pg 16 - 2004 - **126,000** annual visitors to these areas

Hmmmmm - so they can alter lake levels. This is a recent memo to Mr. Army Corps (Kangas). Wonder why they can never alter the plan for lake owners ?

David Pierson
09/25/2009 03:25 PM

Default custom expiration date of 09/25/2010

To: "Kangas, John W LRDGL" <John.W.Kangas@usace.army.mil>
cc: jjerome1@twcny.rr.com, Nan Winters <nanwinters@gmail.com>, epbackus <ebackus3@twcny.rr.com>, gail.faveri@ec.gc.ca, eileenb14@netzero.net
bcc:
Subject: kudos - Re: Media 2010 release ... Control board to help lake ontario property owners (UNCLASSIFIED)

John,

Kudos to you and the water level team for coming to the aid of folks needing your assistance. You did the same thing earlier this year (april '09) to prevent flooding in montreal as I recall.

We're looking forward to the same benevolence towards us lake folks, so I've taken the liberty of marking up your media release below for next spring. I hope this saves you some time.

But seriously, is the transcript or list of speakers available from the sept 15th Board Public meeting ? Some of us are heading to watertown to talk to one of the state senators and I'd like to chat with one of the speakers from that meeting. Is there someone I can call ? Thanks !!

International St. Lawrence River Board of Control

NEWS RELEASE

March 1, 2010
~~September 24, 2009~~

Ontario Property Owners

Control Board to help Lake ~~St. Lawrence boaters~~

The International St. Lawrence River Board of Control (Board) recently reviewed conditions in the Lake Ontario-St. Lawrence River system. The Board has decided to continue to release outflows in accordance with the regulation plan as much as possible, but will release outflows a little more than specified by the regulation plan for approx three weeks (March 10th - 31st). This will reduce the lake levels X inches from regulation and will reduce risk of lake homes falling into the lake during this historically stormy month. During this 3 week period water levels in other areas and St Lawrence river will be nominally higher than normal but should have no negative impact otherwise. Starting mid April, outflows will be in accordance with the regulation plan, but may be adjusted for downstream conditions and to meet critical hydropower and navigation needs. The water lost in Lake Ontario by this action can be quickly restored by reducing outflows during the following wet weeks to put everything back at plan.

Plan B+ - **248.3** ?? They must be kidding right ?

David Pierson
04/17/2009 10:56 AM

Default custom expiration date of 04/17/2010

To: "Kangas, John W LRDGL" <John.W.Kangas@usace.army.mil>
cc: bclee88@aol.com, "Cheryl Yerdon" <cheryl@gpmarina.com>, eileenb14@netzero.ne "greybear2" <greybear2@frontiernet.net>, gtrip@frontiernet.net, jacolemn@rochester com, "Mulvaney, Jim" <JAMES.MULVANEY@allstate.com>, jeffpgould@aol.com,
bcc:
Subject: Lake Ontario - Month of April outflow

Mr Kangas,

Can you explain the reasoning for reducing outflow all month to raise the lake almost another half foot ? These levels plus the 4/15 storm knocked
out more property, shoreline, and other property damages, including the dunes ?? This during a month of rising Lake Erie levels (inflow), and all
the damage distress calls and emails and pleas for help following the 4/3 storm. **Unbelievable** !

Here's some data for your new 2009 study on lake levels -vs- shoreline damage probabilities. You can use these for your first two plot points:
4/03/2009 - water level **246.11** - surge x? feet - significant east end shore damage - **100%** probability of damage
4/15/2009 - water level **246.35** - surge x? feet - significant shore property damage (dunes being assessed) - **100%** probability of damage

Do you actually track damage date / calls ? Send 'em my way - with the online info available, I'll crunch the numbers for you.

Date	Erie*		Ontario*	
	Daily Mean	Running Mean	Daily Mean	Running Mean
01-APR-2009	572.00		246.05	
02-APR-2009	572.11		246.06	
03-APR-2009	571.97		246.11	
04-APR-2009	572.10	572.05	246.22	246.11
05-APR-2009	572.23		246.27	
06-APR-2009	572.15		246.33	
07-APR-2009	572.09		246.39	
08-APR-2009	572.20	572.11	246.42	246.23
09-APR-2009	572.21		246.47	
10-APR-2009	572.29		246.51	
11-APR-2009	572.21		246.52	
12-APR-2009	572.20	572.15	246.52	246.32
13-APR-2009	572.38		246.53	
14-APR-2009	572.34		246.52	
Mean:	572.18		246.35	

Huge storm devasting property dunes shoreline etc

Inflow was up 0.23 feet. Why was outflow reduced 14% during this period

so this number could have been 245.99

9" from upper limit - can't wait for wet months to come

4/15 huge storm - took out assoc pres boat launch, more land eroded, and land from my next door neighbors bank. dunes damage being assessed

Location	Daily Mean Outflows (cms)						
	Apr 02	Apr 03	Apr 04	Apr 05	Apr 06	Apr 07	Apr 08
Lake Ontario[1]	7790	7770	7740	7320	7340	7040	6770
Above(+) / Below(-) 1958-D Plan	0	-20	-50	-410	-390	-690	-960
	Apr 09	Apr 10	Apr 11	Apr 12	Apr 13	Apr 14	Apr 15
Lake Ontario[1]	7280	7550	7760	7870	8000	7990	7980
Above(+) / Below(-) 1958-D Plan	-450	-180	-230	-120	10	0	-10