Transcripts

UNITED STATES & CANADA
INTERNATIONAL JOINT COMMISSION
PUBLIC INTEREST ADVISORY GROUP
PUBLIC MEETING

In the Matter of:

INTERNATIONAL LAKE ONTARIO/
ST. LAWRENCE RIVER STUDY

June 23, 2005

Transcript of Public Meeting held in the above matter at 31 Holland Street, Alexandria Bay, New York on June 23, 2005, beginning at 7:00 p.m.,pursuant to Notice.

PRESENT:

PAUL THIEBEAU - Chairperson

PATRICK SIMPSON - Village of Alexandria Bay

TONY EBERHARDT - Study Manager

IRENE BROOKS - USIJC Commissioner

RUSS TROWBRIDGE - IJC Liaison to the Study

ELAINE KENNEDY - PIAG Member

JON MONTAN - PIAG Member and Chairperson-Facilitator

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MR. MONTAN: I would like to invite Mayor Patrick Simpson, Village of Alexandria Bay, to open the meeting, please.

MAYOR SIMPSON: Good evening, everyone. And number one, I'd first like to thank you all for taking the time to come here and participate in the meeting that's happening here tonight. We sometimes think about what's important to us here in the Thousand Islands, and everybody would always say weather, weather, weather; you know, we got to have sunshine and all that stuff. And I thought about that today and I said, you know, I think we need some water. I think we need to have the right level of water so that everybody can enjoy and recreate and do the things that they love to do here, whether it be fishing or enjoying their waterfront property, being able to tie their boat up in their dock or their boathouse, and many other things. So it really makes me feel proud to live in an area where this number of people can come out and participate in a meeting like this. I want to make sure that you all take the time to ask the questions that you want to ask tonight and get involved in what's going on here tonight because that's the important thing here, is that we make sure that everybody knows what your feelings are and what your needs are.

I come here wearing a couple of different hats. I'm the Mayor of the Village but I'm also a businessman here in the Village, and our Village depends on tourism. That's a really important thing to think about here. I'm a fishing guide here in Alexandria Bay now, the newest member of the Alexandria Bay Fishing Guides Association. We have a couple other fishing guides here tonight and I know that they're ready to ask a couple questions, important too because it isn't just the water level in the fall, it's the water level in the spring that has to do with spawning and things that go on with our fish population that are important here.

I'd like to make sure that we welcome Sampie Sutton, our Town Supervisor and I thank Sampie for coming and being involved in this tonight. And again, welcome here, ask your questions, get involved, and thanks again for being a part of this.

(Applause.)

MR. THIEBEAU: At this time I'd like to introduce myself. My name is Paul Thiebeau. I live in Clayton. I've volunteered my time to participate in this study and to represent the people whose lives might be affected by any study decisions. I do not work for any of the agencies doing the study. In attendance tonight we have Commissioner Brooks; if she'd just stand and raise her hand. If there are any other members of the study team here tonight, would you please stand and be acknowledged.

Tonight the study team is returning for the last time to talk with you about this study of water levels and flows in Lake Ontario and the St. Lawrence River. The format for this evening is as follows. There will be a 30 minute Power Point presentation by Gene Stakhiv, who is the U.S. co-chairman of the Study Board. Then the meeting will be turned over to Jon Montan, another member of the Public Interest Advisory Group who will facilitate the question and answer period. Gene, the meeting is yours.

MR. STAKHIV; Thanks, Paul. Welcome, everyone. Welcome, Mayor. Thanks for all of you for coming down here and taking an evening out of your lives to have a discussion with us about this study. This is basically the outline of my presentation. We'll talk about who we are, what the Study Board is, why did we do the study, what we found. We'll discuss the candidate regulation plans that were developed over the course of the last five years. We'll talk about the process to implement the plan, a little bit about what we want from you, what we expect from you, and the feedback, and then we'll get into the question and answer period, and your statements.

We're in the final year of this five year $20 million dollar study. We've had over 120 people involved on the study team. The International Joint Commission mandates that all of its boards and studies must have equal representation from both countries. And the Study Board is an independent advisory body, as is the Public Interest Advisory Group. We've engaged technical experts from the federal, provincial, state agencies, from academia, from the private sector in both countries.

Five years ago the, both governments of Canada and the United States requested and funded the International Joint Commission to review their orders of approval for the regulation of water levels and flows in Lake Ontario and the St. Lawrence River system. And the action was in response to public concerns that the 40 year old regulation plan for directing and managing water outflows through the St. Lawrence Seaway control dams was out of date and not responsive to current and future uses of the system.

The International Joint Commission is the binational organization created under the Boundary Waters Treaty of 1909 for the purpose of preventing and resolving disputes related to our shared inland waters from coast to coast. It's not just the Great Lakes, it goes, stretches across the 3,000 mile border. This study is the vehicle by which the IJC is undertaking this work. The final decision, and we'll repeat this several times during the course, the final decision on changing the regulation plan and criteria rests with the Commission in consultation with stakeholders and governments. We as the board, as the Study Board, are just recommending several options. The Commission will undertake another round of public consultations and will make their decision, hopefully, next year.

Now, the current regulation plan.

The outflows through the Moses Saunders Dam at Cornwall and Massena are currently regulated using a set of written rules for releases that's called Plan 1958-D. Although it takes into account the interests of water uses, commercial navigation and hydroelectric power, this plan doesn't consider the needs of the environment, of recreational boating and shoreline erosion. Plan 1958-D was based on the kind of water supplies we got in the first half of the 20th century and was not well-designed to handle the extreme dry period in the mid 1960's and the wet period of the 1970's.

In other words, the plan was implemented just before those critical events happened. This plan is implemented by the International St. Lawrence River Board of Control, that is appointed by the IJC.

The operation of 58-D, with deviations, we call it 58-DD just to shorten it, has been able to accommodate the needs of shoreline property owners as well as hydroelectric and commercial navigation interests despite significant increases in the natural water supply to the lake in the last few decades. Operators have fine tuned the system to reduce extreme water level conditions by deviating as necessary from Plan 1958-D as implemented in 1963.

But without detailed data on the environment, operators cannot address environmental issues in the same way. Recreational boating is also a recent and growing interest that has specific needs that 58-DD does not meet, and we recognize that. Over the course of the last five years we've consulted many interest groups and we've had scores of meetings, probably over a hundred. We consulted a wide array of people, including many of you who have provided us with preferred water levels from the perspectives of the interests and groups listed on this slide.

We've been able to translate these needs and wants into specific and measurable indicators for each aspect of the system. And these indicators serve as the basis for the development of the plans and for the impact evaluation.

Let me go to the findings of our study. I think all of you who live here understand that it's a complex system. And during many of the slides we'll refer to the upper river, which is above the Moses Saunders Dam, and lower river, which is below the dam. We've certainly found that Lake Ontario, the St. Lawrence River and the many interests affected by water levels and flows represent a complex water management system. And don't forget and don't rule out the Ottawa River system which creates flooding problems in Montreal that we have to take into account.

The dam at Massena is just one factor in managing and dealing with water levels and flows. Nature and changing water supplies to the region is the more unpredictable factor.

And this slide sort of shows a lot of what's been happening over the past 140 years of data that we have from 1860 to 2000 on Lake Ontario, the total supply into the lake. There's considerable variation in water supplies from year to another, as you can see. Also, the trends, the very dry water supply years occur as in the 1930's and the early 1960's. Higher water supply trends were also experienced in the 1970's through to the end of the 20^{th} century. That line that you see, the vertical line, is the point at which Plan 1958-D was implemented, in 1963. And right afterwards we had the drought of record in 1965-66, and then the high flows in the 1970's.

And Plan 58-D wasn't designed explicitly to deal with those extremes, nor with environment and recreational boating. Here's another example of the complexity of the system that we have to deal with and account for and it shows what happens when we attempt to change water levels made through the operation of the Moses Saunders Dam at Cornwall and Massena. During wet periods and rising water levels on Lake Ontario, consideration could be given to letting more water out of Lake Ontario to lower water levels on the lake and reduce the potential for shoreline flood and erosion problems.

Similarly, during dry periods in the summer, the same action could be considered to help ships that are having low water level problems in Montreal harbor. If Lake Ontario outflow is

increased for one week, so that Lake Ontario is reduced by two centimeters, or three-quarters of an inch, you can see that water level changes in Lake St. Lawrence upstream of the Moses Saunders Dam and on Lake St. Louis, just upstream of Montreal, are changed much more dramatically. There's a magnifying effect of that two centimeter drop in Lake Ontario by an order of magnitude, tenfold. So there's a big drop in Lake St. Lawrence, and an increase in Lake St. Louis.

During this study we've carefully examined the effects of fluctuating water levels throughout Lake Ontario and the St. Lawrence River on the ecosystem, on recreational boating and tourism, as indicated on this slide, as well as all of the other uses and purposes that are prescribed in the orders of approval. I believe that this has been the most sophisticated research ever done on this issue. We did spend a lot of money but we collected a lot of useful data that can be used now to do a good job in evaluating the various plans. And I need to note that it's currently subject, the study is subject to an independent peer review by the National Academy of Science and the Royal Society of Canada. So all of the work that we've done, it isn't just our say-so that this is good research. We'll get a report from the National Academy. Hopefully they'll say it's good research as well.

In the studies of the natural environment and ecosystem, over 400 environmental indicators were developed, examined, researched and studied. Thirty-two, out of those 400, 32 were identified as being especially sensitive to water level variations, including some species at risk. Further details about these environmental indicators are in your handouts. And so you have those metrics, the 32 that were selected by this study to represent the system.

The general conclusion is that a more natural variation in water levels is better for the environment on Lake Ontario and the upper river, but doesn't seem to be much different for the lower river, that is, that part near Montreal, mainly because it's a different, it's a river environment rather than a lake environment.

In the recreational boating and related tourism sector, we found quite expectedly that water level problems are greatest at low water levels, fewest at average and higher levels, and increase in extreme high water level conditions. Because of the location of marinas in shallow waters, recreational boaters need higher water level conditions than commercial ships do that operate in the main channels.

Economic impacts have been identified for each part of the system and reviewed and approved by outside experts.

On coastal processes, the current regulation plan and Control Board deviations, have significantly reduced flooding on Lake Ontario and St. Lawrence shorelines. So 1958-D with deviations has been effective in slowing shoreline erosion, but no regulation plan can eliminate shoreline damage. In other words, erosion an inexorable process; no matter what plan you put into place. It just changes the rates of erosion. Shoreline erosion is worse during fall, winter and spring because of storm events. High water levels during calmer, summer weather are not as damaging.

Our investigation of the impacts of fluctuating water levels on commercial shipping have identified that navigation costs go up when ships don't have enough water, obviously enough, or are delayed by high currents. So if you have high flows, ships can't move through the system. And it's difficult to keep enough water in Montreal harbor for ships during the fall and extended dry periods.

We also examined the sensitivity of water level fluctuations and flows on municipal, industrial and domestic water intakes throughout the system and outfalls to varying water levels, and found that municipalities have adapted uniformly to expected water patterns. And we're talking about the larger municipalities. But individual shoreline water users tend not to adapt to extremes and therefore are vulnerable to very high and low water level conditions.

The hydro power sector, consisting of the hydro power plants at Cornwall and Massena and Beauharnois represent a huge piece of the water puzzle. Small changes in water flow and level regimes can result in differences of millions of dollars to this sector.

Our economic analysis includes, it was done independently of the study. We wanted to make sure we had the hydroelectric prices correct. It was done by outside experts, and we were very careful about including that into our economic impact analysis.

Okay. Now, let's get to the heart of the presentation, the new regulation plans that we developed, and which we tried to consider all the interests in the system in a fair and balanced manner.

As a starting point for us, for the Study Board was, to guide and assist us in formulating plans and evaluating possible regulation plans, we developed a set of Study Board guidelines which we have said that all plans should follow. And on this slide are all of the guidelines we developed. Let me define just some of the key terms.

Contributes to ecological integrity. Means that the Study Board would look at how well the plan performs against the environmental indicators that you have in your handout. Those 32 indicators. By the way, we do have a model which has all 400 in the model, but these are the key 32 indicators.

Maximize net benefits, means that the Study Board would look at both the economic and ecological performance of the candidate plans.

No disproportionate loss, means that no interest nor region is seriously harmed.

Those three that I just read are the key guidelines that the Board used in evaluating the plans. The Board also considered how flexibly a plan would react of unusual events and climate change. So there's a whole different set of analysis looking at future possible scenarios of inflows into the system. We've insured that our work has been transparent to the public and representative of all interests through the involvement of our Public Interest Advisory Group, through our public meetings, through our website and our newsletters.

Throughout the study the Board assured that decision processes were open to the public and representative of all interests.

We've examined, in addition to the candidate plans that we'll be presenting tonight, we've examined a whole set of other plans, that we call reference plans, and we developed interest specific plans. For example, we had to compare the plans against the official plan, 1958-D. We developed the Plan 58-D with deviations, the current operational plan, as a basis of comparison.

We looked at Plan 1998, which was developed from previous studies that was much discussed five years ago. We also developed the Ontario Riparian Plan which reduces flooding and erosion on Lake Ontario with severe environmental and recreational boating impacts. The recreational boating plan looked at maximizing recreational boating benefits but it -- it improved that part of it but it has severe impacts for the environment, and downstream flooding in the Seaway. And you have those plans in your handout. You can compare the economic and ecological impacts of each of the plans.

We also developed a natural flow plan because there was significant concern that current regulation had had considerable adverse impact on the environment and the natural ecosystem. And as a consequence, we developed what we call the natural flow plan. To implement this plan would result, however, in significant economic losses to shoreline property and recreational boating interests. And although this plan is considered by some as a longer term management goal for the system, the Board believes that it can't at this time be considered as a candidate plan for implementation.

Part of what we were doing over the past four years was getting specific information from all of the interest groups. What are the target levels that you would like, what are your ideal optimal levels. So these target levels show that the different interests that we've talked to, want different water levels at different times of the year. The plan formulators are trying to meet as many of these targets as possible. But as you can see, there are conflicts and it's difficult to keep everyone happy all of the time.

On the previous slide you saw the target levels for this area, for Lake Ontario. There are similar target levels identified for all of the locations that you see, all of the dots, triangles and squares along the system. So at any point we can show what those indicators are, how well the system works for each of the plans for all of those points on the system.

Okay. The result of all of this work, debate and public input is three candidate regulation plans that we'll summarize for you tonight and on which we would like your views and comments.

More than 10 plans were formulated, reflecting various inputs from the public and technical participants. These plans were considered and evaluated by the Board and some were discarded.

These three plans remain as the best and the most representative of the plans that were developed. All of the plans were designed to provide overall benefits to the economy and environment and minimal harm to any sector. But they differ in the distribution of benefits among the interests and how loss a sector would bear. And they differ in the distribution of benefits geographically, the upper river, the lower river, and Lake Ontario.

And we'll give you some of the quantitative information as an overview for these plans.

We've come up with the new plans that have all of the improvements, that all have improvements over Plan 58-D with deviations, but we still haven't found the ideal golden plan that makes everyone happy all of the time. And in fact, it may be impossible to do so. So there are trade-offs and compromises that need to be made in the selection of any one of these plans. Our plan formulators are still working to design the best plans they possibly can, recognizing that there will always be trade-offs, and as a consequence of the feedback from meetings such as this, we will be taking those ideas into account and constantly tweaking and refining these plans.

The first of the three plans is Plan A, which we have entitled the balanced economic plan. It's designed, and we've given these titles that reflect what is the core objective of the plan, what was it designed to do. It's designed to maximize overall economic benefits. It provides some improvement for the environment, especially on the upper St. Lawrence River. It has losses to shoreline interests on Lake Ontario and the river, and provides recreational boating benefits.

Plan B has been titled the balanced environmental plan. It was designed to simulate more natural conditions, hydrologic conditions, and provide overall economic benefits. It improves the environment on the lake and the upper river but it has losses to shoreline interests with significant flooding potential around Montreal. It has losses to recreational boating, especially on Lake Ontario.

Plan D, which we call the blended benefits plan, is designed for balanced performance with overall economic benefits, and minimizes losses. That is, we looked at minimizing disproportionate losses in the system. It's little changed from Plan 1958-D with deviations for the environment. But it has no overall losses for shoreline interests, with some small flooding potential, and provides recreational boating benefits.

How do these plans compare? During the winter and the spring months of this year the Board and the study team evaluated these three plans as well as all of the other 10, from the economic, environmental and equity perspectives, in qualitative and quantitative terms.

This chart is an over-simplification of the information that you have in your handout. But it gives you some of the specific, it gives you a nice overview of the differences between the plans. If you look at the first row, environmental index. The environmental index is a ratio, where one is the same as 58-D with deviations. So anything above one is better than 58-D with deviations and anything below one, .95 is worse.

The rest of the interests from shoreline owners to hydroelectric power are shown in economic benefits, millions of dollars of average annual benefits. We can see that plan A and B both result in losses to shoreline property, more so in plan B, which concentrates on the environment. For example, you could see that Plan B has a net loss of $2.88 million dollars per year, on average, whereas Plan D has a slight gain of $.13 million.

Plan D strikes a balance and therefore produces no strong benefits to any one interest, and, of course, it doesn't produce any significant losses either. You can see it's plus in every row but the environmental impacts 1.03 are relatively small, relatively small gains, as is the hydroelectric power, $1.02 million per year. To evaluate all of these plans, we simulated water level and flow conditions that they would produce if we were to receive the same water supply and weather conditions that occurred from 1900 to 2000. In other words, we replicated the historical record from 1900, for the hundred year record.

We could show you lots of tables and graphs and data, and those of you who are interested, the number junkies here, I'm happy to volunteer David Fay's service and Tony Eberhardt's service, and they have lots of additional slides that they can show you. But that would prolong the presentation to at least three hours. So we're just going to give you sort of an overview and highlight of some of the key outcomes of the study, to give you a picture.

This slide and the next two show that -- show and estimate the water levels that would occur under each of the plans for comparison. This plot shows the average of levels for Alexandria Bay throughout the year. In comparison, plan A has higher average levels

throughout the year. Plan B has about the same levels in the summer but higher levels in the fall, winter and spring.

Plan D for the most part has lower average levels than the base case plan 1958-D with deviations but higher summer and later peak. You could also see that the difference -- you could also see that the difference from the average winter low to the summer high is less with Plan B and more with Plan D.

If you can't see the colors, D is the green, B is the blue, and A is the red.

This is a plot of the highest levels at Alexandria Bay that occurred in the 101 year simulation. The plot shows that the maximum level in each of these plans would be higher in the spring that for Plan 1958-D with deviations. The highest peaks are all slightly higher than 1958-D with deviations and occur at different times. In the fall and winter the maximum level would be a bit higher with Plans A and B but lower with Plan D.

If you look at the lowest Alexandria Bay levels in the 101 year simulation, all of the plans generally have higher minimum levels than Plan 1958-D with deviations. I think that's pretty good news.

Plan A consistently has the highest minimum levels throughout the year. Plan A, being the red.

I'll just give you a little comparison of some of the environmental indicators. Again, this is information that you have in your handout, but it also shows how difficult it's going to be to make these evaluations and pick a plan because the impacts vary across all the plans. Some are positive, some are negative, and trade-offs have to be made.

The environmental technical working group identified a number of environmental indicators that together tell the story of the health of the environment. These individual indicators represent important information about the habitats and life cycles that are affected by water levels. They've looked at fish, mammals, birds, reptiles and amphibians, some of which are species at risk. This highlights just two of those indicators on the lake and upper river. The two examples of how we're comparing plans for their environmental impact.

For Lake Ontario Meadowmarsh, which is an important overall indicator, it's a habitat; the left bars, Plan B's index of 1.43, means that Plan B performs about 43% better in relative terms for this type of habitat than Plan 1958-D with deviations. And for the upper river northern pike you could see that Plan A does far better for northern pike with 3.17. In other words, there's a 300% increase over Plan 1958-D with deviations, whereas Plan D does marginally better.

Some of the species at risk and the most sensitive environmental performance indicators like black tern, the black tern reproductive index on the river below Montreal. Plan D has the only positive index of about 1.03, which is not considered a significant improvement. But compared to Plans A and B, which have large negative indices, Plan D would do better for this performance indicators. In contrast, for the muskrats, Plan A does better. You see these things vary and it's, it makes the choice fairly difficult.

I'll give you a couple of -- the next couple of slides will be on the economic impacts, and different ways of presenting the information. This slide shows the overall regional economic

impacts for the three option plans, A, B and D, for shoreline, recreational boating and water use interests over the regions considered. On Lake Ontario shown by the blue bar, on the upper river shown by the maroon bar, and on the lower river by the yellow bar, compared to Plan 1958-D with deviations, which is the zero-no change point. Also shown are the overall hydro power and seaway impacts shown by the light blue and purple bars respectively. Note that the values are in average annual millions of U.S. dollars. As shown, Plan A, the balanced economics plan, would result in average annual economic benefits to interests on the upper and lower river, and slight net losses on Lake Ontario.

Plan B, the balanced environmental plan, would result in average economic losses in all regions. However, hydro power on the Seaway would see positive benefits, economic benefits in Plan B. So, here's Lake Ontario, loss. Upper river, loss. Lower river, loss. But big hydro power gain and navigation gain.

Plan D, as you can see, has gains across all sectors and in all regions.

Another way of showing you the same information is, this slide shows the economic impact of Plan A, average annual benefits to recreational boating, navigation and hydro interests and losses to shoreline interests, resulting in a total net benefit of $9.2 million on average.

So here's the loss, this is the zero line. This is Plan 1958-D with deviations. Small loss to coastal for Plan A. Large gains in hydroelectric power, navigation and recreational boating for a net gain of $9.25. All right. A larger loss in the coastal interests for Plan B. And loss to recreational boating, gains to hydro power, navigation. Plan D, gains to hydro power, smaller gains to hydro power, recreational boating, navigation.

This slide shows the economic impacts to shoreline interests in more detail. Remember, we're just looking at flooding and coastal erosion, just that one sector. And you can see Plan A has a net loss, here's the zero line, net loss of $1.1 million per year, consisting of lower river flooding, upper river flooding, Lake Ontario erosion, erosion, erosion. Plan B has much higher losses in erosion and flooding. Plan D has small loss in upper river flooding here, this little piece. Small gain and benefits in erosion and flooding.

This slide shows, again just focusing now on recreational boating impacts, it shows the same type of information for Plan A of $3.18 million dollars with a small loss at Ogdensburg, little maroon box here. Plan B, about a million dollars per year losses with just a small gain in Lake St. Louis, and Plan D with a net gain of $1.95 million with a small loss in Ogdensburg.

Now, we're looking at that data with, Dalton Foster has raised the issue that perhaps our data isn't reflecting the situation correctly. We've gone back, we're looking at the information that we have, we're adjusting, and I think that we can -- I think that this might disappear, this negative loss in Ogdensburg. We'll get back to you with that.

Okay. The overall regional environmental impacts. This slide shows the performance of the three options compared to Plan 1958-D with deviations. It shows a plot of the environmental index used to evaluate plan performance. Again, the value of one represents the status quo under the current condition, 58-D with deviations. Values higher than one indicate better, better conditions. And values less than one indicate worsening conditions. As show, Plan A is slightly better on Lake Ontario, just above, rises above one here, significantly better for the upper river, slightly worse for the lower river. Plan B, which is, because it's the environmental plan, does significantly better for Lake Ontario, much better

for the upper river, which includes your area, Alexandria Bay, and a little bit worse for the lower river. Plan D does just about a little bit better across, across the board.

Okay. We're having lots of these meetings, simultaneously across the border. Today, yesterday we had meetings in Canada. We have a sequence of meetings just about every week from now to the end of July. We've had a large number of briefings with elected officials and agency officials from, starting from April probably through August as well. We're taking all of the comments from these meetings, and we'll be close -- the closing date for public comments, official or unofficial, send us e-mails, letters, will be August the 5th, 2005, because at that point we'll have to, we'll use that information, we'll reformulate some of the plans, use some of the better information. Whatever details, additional details you give us, we'll stick it into the plans, improve them. Then the Board and the Public Interest Advisory Group will discuss the study results with the International Joint Commission in the fall and complete the final report for public release by December 31st, 2005.

We expect that the International Joint Commission will consider the study results over the winter, will hold public hearings and government consultations in 2006.

And then the decision on the selection of the new plan and implementation of that plan will be made by the International Joint Commission in consultation with the governments of Canada and the United States.

So Paul, I finished my part, and I think it's time for public comment and discussion. Thank you.

(Applause.)

MR. THIEBEAU: Thanks, Gene. Before we move to the question and answer part of the evening, I would like to emphasize a couple things. We, the Public Interest Advisory Group, PIAG, the Study Board and the IJC, definitely want to know your views tonight. The light isn't too good in here so I'm going to hold this up. On the candidate regulation plans. We would also appreciate your filling out the survey postcard that was in the left-hand -- is in the left-hand pocket of the folder that was handed to you when you arrived this evening. You can leave this survey postcard on your departure tonight or mail it in to us. We will insure that your views are conveyed to the International Joint Commission.

Your comments and questions will be recorded so that we can make sure they are taken into account as the final decisions are made. So I would ask that you please use the microphone so you can be heard by everyone. There's a microphone, you probably noticed them, one there and one there, I think. Yeah. And each time you speak, if you wouldn't mind stating your name and where you're from so that we give the people who are preparing the transcript an easier time.

I would ask both the people asking questions and those answering them to be concise as possible. That way we can have more time for more people. We have a very big crowd tonight. If someone asks a question very similar to what you were planning to ask, please consider waiting until everyone else has had a chance to ask theirs. And then if we have time you could ask yours. If for some reason your question is not answered tonight, we will try our best to get an answer to you, for you. So with that said, I would ask that anyone wishing to pose a question at this point, please step up to the microphone, one of the microphones.

MS. LAGO: My name is Karen Lago. I'm with Save The River. I'm curious why you chose 1958-D as the baseline. If we're trying to improve the environment why not at least allow people a comparison with the natural flow of the river and compare your results to that.

MR. THIEBEAU: Okay. We will have responses from Study Board members. I'll just ask any Study Board member who cares to respond to do that and to identify themselves.

MR. STAKHIV: I'll give you the short answer. If anyone from the plan formulation team wants to step in. It's considered accepted sort of practice when you do any planning study, to compare it with the current state because you're all familiar with the impacts as the system is operated now. So if you're familiar with that and you know that something is doing better or worse, that's the conventional way of doing it.

We've given you those other reference plans so you can see the impacts with 58-D in comparison. So if you want to spend a little time sort of going through the numbers, that, that comparison is there in the handout. So you have it both ways. But, but it's certainly accepted practice to compare it to the current state of operations. That's called the "with plan" condition.

MR. HOOPER: I'm Jack Hooper, from Bay, on Wellsley Island. In the studies I've seen, Plan B reflects a less, lesser fluctuation throughout the year. Why does that not show up in your studies?

MR. STAKHIV: David? I'm lucky to have a bunch of experts here backing us up.

MR. FAY: Might be the easiest thing to do is to show you what the levels would be with the different plans, and I'll try and plug my computer in to answer that question.

MR. STAKHIV: Let's hope it works.

MR. FAY: I hope it works, too. I fondly refer to these graphs as spaghetti graphs and you likely can see why. What I have plotted here, and what we did is we did simulation for 101 years. And I plotted each of those 101 year traces on a single graph. And I think I'm standing in front of some people so they're going to likely have trouble seeing it. I could just move back. On the bottom of the scale, I've just shown these for the boating season because that seems to be the interest here. Starting, and I've been pretty liberal, starting in mid-April. Some people are crazy enough to be out then. And continuing to mid-October. That's the bottom axis. The water level scale is meters on the left, feet on the right-hand side. And the increments, those little dash lines is in increments of .3 meters, which happens to be about a foot, which is convenient for both sides of the border.

So you can see the rough distribution of water levels. This is with the base case plan 58-DD at Alexandria Bay. And I have my pointer on this one particular year, so those little black boxes, that's one trace of one year. And ask you can hopefully see if I move my cursor key to a different year you can see different years, of course, behave somewhat differently, and they have a different amount of fall through the year. You can generally see though that most of them are clustered in this range. There are a few occurrences of very low levels.

MR. HOOPER: What's the line with the boxes on it?

MR. FAY: That just happens to be one particular year, that happens to be 1987. Okay. If I plot another one that happens to be the 1998 line, series 98. Okay. So on and so forth. These are all simulated levels. Okay. So you can see there's a few low levels and there's a few very high levels. Typically, you know, the range here in the, I guess the peak boating season, your peak tourist season would be here, July and August. So they're basically between 245 feet and 246 feet.

MR. HOOPER: Where's 1963?

MR. FAY: I wish I could tell you it would just be a matter of --

MR. STAKHIV: It's probably the lower one.

MR. FAY: Likely one of these lower ones. There's '64.

MR. HOOPER: What are some of these low ones?

MR. FAY: There's 1935, 1965. You can see that's a very low year, basically the lowest year in the sequence, or just about. There's 1966. That's 1936. None of us have been around or can remember that far back. So then just try and get sort of a picture in your mind of where most of these lines fall. And now I'll move from 1958-D to Plan B. This is kind of like the eye doctor test, right. You switch back and forth.

And what I notice here is that there's -- they're not clustered in this band quite so tightly. There's a bit more variability or quite a bit more variability. And this is very good for the environment. You need more fluctuation to keep your wetlands healthy. However, here at Alexandria Bay if you have a dock that can only accommodate your boat in a narrow range, you're likely going to be unhappy a little bit more, often because there are some more lower levels and there are some more higher levels.

MR. HOOPER: What do the lines represent?

MR. FAY: They represent the water levels in one year.

MR. HOOPER: What are the various lines?

MR. FAY: Each line is a different year of water levels.

MR. HOOPER: But we're not doing Plan B.

MR. FAY: This is Plan B. This is what would happen, we simulate them all. We have the same water supplies coming into Lake Ontario. We say, okay, if we're running by the rules of Plan B, what would the water level be in Alexandria Bay.

MR. HOOPER: Okay.

MR. FAY: So this is what Plan B is, and I'll switch back to 58-DD, if I can here. Whoops. What am I doing? I'll cancel out of that and I'll go back to 58-DD. So I'll do this, the eye doctor test again. Do you like this work or do you like this one? This one, or this one. Okay. And now we can go to D.

MR. HOOPER: You changed your scale.

MR. FAY: No. The scale is identical. If you look, look at the scale. The scale is the same. Okay. This is D. I'll show A. Okay. A and B. Okay. A and B. And now I'll show D. D is more like 1958-D. There's a lot of clustering in this range, although you'll see, if I switch between D and 58-D you'll see that it's a little bit higher in the July/ August period. That's why economically it seems to do a little bit better for recreational boating. It's either the -- okay. You follow it.

MR. HOOPER: Yes.

MR. FAY: Now if I was going to do item A and D, you can see again, I'll get rid of that line, so it's a little bit higher with A. Maybe a little bit more variability, a little tighter band. You don't have as many low levels as you do with our present case. Okay. And then I'll go back to D, and finally C, which was Mr. Hooper's question, I think. So I'm not sure where, Mr. Hooper, you got the idea that with B it was more constant. It's certainly more variable year to year. However, what you might be seeing, and what I think is true, is that the general trend, you don't fall, or the water levels in some years it does decrease. But generally from the peak, which is typically in June, to the fall it doesn't vary as much.

MR. HOOPER: Yeah, each line is flatter.

MR. FAY: Each line tends to be flatter but there's more variability up and down. But depending what you like. If you're a boater, you can think this is a good thing or a bad thing. But certainly for the environment, this variability is good. Okay. Any more questions related to this one while we're here?

MR. HOOPER: What was the basis for your decision that one plan versus another was better for recreational boating?

MR. FAY: Okay. That's a question for our recreational boating economist. And maybe I'll refer it to him. That's John Brown.

MR. BROWN: I'm John Brown. I'm the U.S. lead for the rec boating work group. Actually what the rec boating group did was make performance indicators so that in every week we'd be able to tell based on various water levels what would be the impact at that level. So if there was not an impact, because at a certain level there would be zero damages. If in fact there were some docks let's say that were high and dry or they're inundated, based on what the level was, then there would be an impact based on that water level for that plan at that reach. And so we simply aggregated then, I should say, the formulation, evaluation group actually aggregated then, all the damages when they occurred. And that's the numbers that you're seeing then, based on running all these spaghetti lines through and seeing what the level would -- what the impact would be at that level at that place.

MR. FARSACI:: My name is Michael Farsaci and I'm from Clayton, New York, and I've been a resident and a marina owner there for 30 years. My question to you is, you've done these simulations and I think you're forecasting out on some of these plans. Have you taken that -- or my question is, actually is, what is the degree of certainty that you're getting when you have taken these simulations, forecasted them out; one year later, gone back, looked to see how close your simulation was to the previous data, previous historical data.

MR. FAY: Okay. We haven't actually done it that way because we've basically been looking at just historical water supplies, the normal water supplies. So we haven't, in a sense, tested the plan starting at last year and seeing how they did if we would have had last year's levels.

MR. FARSACI:: But you must be doing large matrix manipulation and getting cross-correlations.

MR. FAY: Oh, yes. We're doing --

MR. FARSACI:: Inversions.

MR. FAY: -- lots of that.

MR. FARSACI:: So that should give you, that inversion should give you the certainties on the off diagonal.

MR. FAY: Well, we're showing one set of 101 years here. We've also done the equivalent of 50,000 years worth of plan plates, to make sure that these plans behave consistently with different water supply sequences that are still plausible; and basically they do. So the variation that you see in Plan B, that would be consistent if you have, again, another large long sample of water levels that do vary from year to year, depending on the climate, natural variability of the climate. We've also looked at how these plans would perform under global warming scenarios that we're talking about, the greenhouse gas scenarios; they all function with those, even the fairly extreme ones. I mean, they're low levels because they're so dry, but they still function. So we've tested it with many, many different hydrological sequences. The results are very consistent in terms -- Plan A tends to produce more navigable benefits. Plan B tends to be a better environmental plan, more variability in the water levels of Lake Ontario and Plan D tends to minimize damages to any sector.

MR. FARSACI: So the certainty is .9 or how close to .1 --

MR. FAY: It depends -- Well, there's some variability. It depends how you're measuring certainty and how you're defining certainty here. But there is consistency about the plans and how they deal with, or how they behave in different climates. But we can't predict what the water levels are going to be next year, never mind in 10 years. We know that the water supplies are always changing. You saw from the graph that Dr. Stakhiv had that showed going back to 1860 how variable the water supplies coming into Lake Ontario have been; that when they started in 1963, even though they had almost a hundred years of data, very shortly thereafter they got lower supplies and then in another 15 years higher supplies than they'd ever seen. We might be in a similar case. We don't know if the next decade are going to be wetter or drier. We just know it's going to be different, so that's why we've tested these plans with many, many different sequences of water supplies, to make sure they're robust.

MR. FARSACI: You are using random noise generators -- I mean, regressing --

MR. FAY: Yes. Sir.

MR. FOSTER: Hi. Dalton Foster from the International Water Levels Coalition. I'm technical adviser and president this year of it. I'd like to answer first of all a couple questions and I'm

sure, Jack, you had this question because the IWLC has been saying that they're favoring Plan B for environmental boating. One of the things you don't see there with all those is, what is the average water level for those various months. And the reason that's important is the average shows the design of the plan. Now, you'll get more variability there but it shows the design.

Plans 1958-DD, Plan A and Plan D are all designed to artificially bring the water levels down in late summer, early fall. They're designed to do that. Now, also taking a look at, we looked at frequency and said, how many months will you have boating. Looked at all those numbers up there and said, okay, now what's the percent of boating you'll have. And we still came to the conclusion that B was better, and of course it was better for the environment.

We do have some serious problems the way the economic assessments were made. We looked at just levels and we said if we had more favorable levels then you can boat. Most boaters take into consideration two things when they go out. One is the weather, and do I have enough water to boat. And so we looked at just the water levels.

But the problem is, for instance, we don't have any quarrel with the ideal levels. For instance, what they predict for Alex Bay and what they predict for the lake. We think those are good levels. The ideal levels. The minimum levels we agree with and the upper levels we agree with, same as the survey and the study came out with.

We do have a problem with the way those numbers are applied. For instance, if you take for instance Lake Ontario, the ideal level in metric system is 7361 to 7446, and we agree with that. And when you look at the economic aspect between for instance Alexandria Bay and Lake Ontario they're not the same. They're not equitable, when you're inside and outside the range.

For instance, if you're inside the ideal range in boating, then if you take a look at it, the ratio, if you take the money that they considered from this willing to pay figure they come up with, if you divide the numbers for Alexandria Bay, for instance, by Lake Ontario, you'll find out that during the ideal season the economic loss is 183% more for Alex Bay for the same levels. But if you go outside of the ranges, for instance, if you're low, and that's what most of us really care about, the economic -- in fact, it was 415 instances of that in all those figures up there for A. This is the one from A. But the economic impact for Alex Bay is only 24% of what happens on the lake. So there's an equitable application of these numbers.

So we agree with what the ranges are. We don't agree on the application of the monies and how it's allocated or how it was derived, in fact. We disagree with it. In fact, there's other parts of the river that are included because they weren't included in this boating study.

Farther down Lake St. Lawrence, Lake St. Francis were not included with the study. So we don't have the numbers for those areas.

I'd just like to make one other comment though, that's independent of that, is that for many, many years I worked with government agencies in Washington. And this is a complex issue. There's no doubt about it. And when complex issues came up and there were suggestions or there was a formulation that would, of some proposal that would appear in the Federal Register, it was out there so people could consider it, and they generally had

90 days to consider it. If it was very complex they would probably get 180 days to consider it.

In this case we're supposed to be consulting the public, and the last meeting is the 28^{xth} of July for the public meetings and public comments are supposed to be in on August 5th. That's eight days. Now, I don't frankly understand how you can expect the public to take the massive data that you took five years to accumulate and examine it, digest it, analyze it and comment on it in eight days. I think that's absolutely wrong. I think there should be much more time for the public to download, look at this, examine it, re-analyze it, assemble whatever they want to do. But eight days is not enough time for consideration of something this important and this complex. Thank you.

(Applause.)

MR. STAKHIV: Excuse me. Dalton, did you want a response to your -- the issues that you raised on the economics of recreational boating?

MR. FOSTER: Not unless you want a three hour debate.

MR. STAKHIV: Can we give you a one minute response? Jon?

MR. FOSTER: Well, then you'll have to get another minute back from me so --

MR. STAKHIV: Well, later on. We'll give you another minute later on. But Jon, I think it's worth, I think it's worth responding at this point.

MR. BROWN: Yeah. I'm Jon Brown again from the U.S. technical group lead for rec boating. Regarding the differences between Lake Ontario and Alex Bay and the parts of the river, sheer number of boaters, as you can imagine, with regard to marinas and private docks, and launch ramps and number of launches, which show there would be disparity in terms of the absolute magnitude between them. I mean, we did detailed inventories in terms of the number of boaters and facilities at various reaches, and so there would be like a tenfold higher numbers of boater days on Lake Ontario say than at Alex Bay. That would make sense I think to most people. The dollars would be pretty much applicable in terms of the impact, let's say per boater day, how it will be used. So it would be pretty much a metric that would be multiplied times the use. So that's I think would be describing that would be done.

In terms of the science and disagreeing with what was done, we did have Cornell University develop the survey for us, implement the survey and analyze the survey. And they are well-known, renowned recreation analysts that have done this in the past in New York State for years and years and this was also reviewed by an economic advisory group made up on experts in both U.S. and Canada to validate the approach that we used and the application thereof.

MR.STAKHIV: Thank you. Dalton, a brief recallema.

MR. FOSTER: Yes. He didn't answer the question because what I said was that there was an inequitable application. In fact, there's not more boaters. The highest concentration of boaters in your survey were, for the eight counties, were in Jefferson and St. Lawrence counties. So the greatest number of boaters were up here in this area.

So it's not disproportional toward Lake Ontario because of that. The fact is that it changes with the level. When you're in the range all of a sudden Alex Bay loses, or has a much higher factor and assuming you move outside of the range. Not the number of boats. The number of boats stays the same. But all of a sudden the factor goes from 1.83 down to .24. That's the average. That's just taking all those numbers below the ideal range. So that didn't answer the question, but I will put out a complete report, a critique of this, because there's many errors in it. I found the errors. They're there. So I will put it out. If somebody -- whoever did the review. I reviewed studies, scientific studies for many, many years, thousands -- that was my job, reviewing scientific data and analyzing it. And judging the validity of it. And so I've seen this type of data for many, many years before I retired, and after I retired, I also consulted, too, again.

There's problems with the study. It should have been reviewed better. The numbers in some of the tables don't even add up to what they're supposed to add up to. So I don't want to go into all the details, but we totally disagree with that.

But I would like a response for the time factor.

MR. STAKHIV: You know, that's a tough one for us and I admit that it is a very short time. But on the other hand -- do you want to respond to that, Russ?

MR. TROWBRIDGE: Yeah, I'll respond to it. I'm Russ Trowbridge. I'm the IJC U.S. liaison to the study. If eight days were all you had, that would be correct. That would be unjustifiably insufficient. But you have to remember that this is not a decision being made. This is a set of options being sent forward to the Commission. In fact, there will be another set of hearings, formal hearings by the Commission some time next year which will be based on -- the basis for the decision. That's when the decision is made.

What, Dalton, I believe you're referring to is a comment period before a decision is made. A decision is not being made, a series of options are being brought forward. So in fact, you have about probably six or eight months to look these over.

MR. STAKHIV: That's Russ Trowbridge from the IJC Commission. He's right. All we're doing is on the basis of these public meetings trying to improve the three candidate plans, looking at -- and from your feedback, looking to see if there's some fundamental errors as Dalton seems to think there is with economics. I don't, I don't agree with him at all because we've had a lot of review and a lot of discussion. But Dalton, you know, we need to sit down, Jon Brown needs to sit down with you, go over the numbers, you know, look at the economics, and I think we can resolve that issue. Anyway, thank you.

MR MONTAN. Okay. I would like to give this woman an opportunity.

MS. RUSHO: Hi, I'm Chris Rusho. I'm actually from Clayton and you'll have to forgive my -- oh, sorry. You'll have to forgive my slight ignorance to this situation because I'm pretty new to this. But I'm interested to know how you take into account like lack of snowfall or excess snowfall, when the survey stops in mid-October and picks up again in April.

And my second question was, I'm kind of curious as to what the Canadian aspect of this is because Montreal seems to have the most problem with flooding. But then you come down to Brockport or you come down to Kingston. They would seem, I would guess, that they would support a different plan. So just two questions really.

MR. STAKHIV: We just, on the Canadian side we just multiply everything by .85 which is the value of their dollar.

(Laughter.)

MS. RUSHO: I don't know if that's a good plan.

MR FAY. We do, I've only shown from April to October just because of the scale and I want to concentrate on the boating season because I figure this is maybe a boating audience, however, not exclusively. We did, of course, simulate the entire year. Some years, you're right, we have low snowfall. Some years of wetter springs, drier springs, you know, 1998 is in here, when the ice storm occurred. A very exceptional year. We've simulated a very large range of hydrologic conditions. As I said, there's 101 years shown here based on the historical cases.

In addition to that, we've hired some experts to develop statistical models to the climate, generate even longer samples, a 50,000 year equivalent sample. So we have 50,000 years to run through quality test and of course, with a 50,000 year sample, you have some very, very dry years and some very, very wet years.

MS. RUSHO: I'm wondering if there's a huge difference though between Lake Ontario versus St. Lawrence River. I mean, does the simulation run the whole length, the gauntlet?

MR FAY: Yes. It runs the whole length. We've done from Lake Ontario down to Qua-de- la-Quebec,(sic) and we've generated levels that, well, significant spots all along the river. And I could show you. But I don't think you want to see all of that data.

MS. RUSHO: No. I just wanted to make sure you guys were taking that into account.

MR. Very much so.

MS. RUSHO: Okay. Thank you.

MS. SCHERMERHORN: Okay. Thank you very much. I'm Bea Schermerhorn from the International Water Levels Coalition. I've been monkeying around with this water level thing for a lot of years. And this is kind of, you've heard about things being ass-backwards. I had intended to give some of Dalton's credentials prior to his speaking, because I think this audience needs to know that as technical advisor to the IWLC, he brings an education from Cornell University and he has done data analyzing as his way of making a living. And so we're not dealing with somebody who's doodly-dooling with a computer. The man has credentials, and as such, we feel that some of his analyzing is more accurate than some that we have seen tonight.

Okay. Having said that, if I might make just a couple of comments. Then I have a question. I would like to thank Save The River for networking with the Water Levels Coalition on this issue because the two things that were left out in the early years were the environment and recreational boating/tourism, and I like to see it said that way rather than just recreational boating, because it is the lifeblood of this area. And so water levels are extremely important.

With all due respect to Mr. Brown and what they did in the, with the rec boating study, in Massena last night Mr. Brown shared with us the fact that he was speaking again about the credentials of Cornell in doing this study. And he said, they've been doing it that way for 40 years. And I have to share with you what I shared with them in Massena last night. It was, we're dealing with water levels that are about 40 to 50 years old and they got to change, and I think that that rec boating thing needs to be changed. That is my opinion.

(Applause.)

I do have a question here, it's not mine. I have a friend who was unable to be here tonight and she asked if I would ask this question for her. She said that they believe that the way -- she believed that the way they compiled the data on the boating study via ratios used and omissions of the two lakes invalidates -- in other words, the two lakes -- how can you take and do a study of a waterway and eliminate two pieces of it, and come out with anything that is credible.

Lake St. Lawrence and Lake St. Francis were eliminated in this recreational boating study and I think her question is, why, and how are you going to correct some of the, what do I want to say, some of the information that you've put out, both on your website and in your printed material, that Plan B is zilch for boating. And it seems to me, the way you're showing these various things here, that you are leaning strongly towards Plan D, which is just a little bit of polish on what we've already got. And I don't think we want that.

(Applause.)

I am also repeating myself from Massena but it's a different audience. Is there any evidence or anything positive that you guys are going to put into this thing when it's implemented that will have a revisitation clause in it? By that I mean, you take five years, take seven years, pick whatever number makes sense, and you go back and you look so we don't have to be stuck with something like we've been stuck with for the last 40 to 50 years. That is extremely important in my humble opinion, that any plan that is presented to the IJC should have that in it, and if it doesn't, the IJC should see that it is put into the plan, because then we grow as we have the last 40, 50 years in technology and what have you, the environment has become more, a very positive thing in our lives. Recreational boating, tourism, and so forth, and as we make these changes, we can revisit a plan and keep it current so that it makes sense and we don't have to have years and years of problems before somebody decides to take a look at it.

(Applause.)

Okay. I do have a question. In today's Watertown Times, there was an article, and I agree with you, the whatever is bad in here. But basically it says that the environmental plan would also cause about $3 million worth of erosion damage a year to property along the lake. My question is, where did that figure come from, who did the study on this thing in the lake, and what are the -- we're talking about professional people doing things. I want to know where that $3 million figure came from, please.

MR. MONTAN: Bea, would you -- you've raised really three substantive issues here. The one has to do with the inclusion or not inclusion of Lake St. Lawrence and the recreational boating survey. That was one point. The other was a revisitor clause in the -- a reopener clause, I should say, in the plan, so that after maybe five, 10, 15 years or something, it can

be examined to see how effective it's been. And the last is your point about how was the coastal erosion economic impacts measured.

So I'd like to have a response to those three, if you don't have any other --

MS. SCHERMERHORN: Yes. I have one more, please, if I can.

MR. MONTAN: Remember those three. Because I don remember the first one.

MS. SCHERMERHORN: Okay. The last, I promise, the last is, is there any plan, and Mr. Trowbridge did answer this in Massena. I wasn't totally satisfied personally with that answer. Is there any plan after a plan is given to the IJC and the IJC says, okay, this is great, we're going to go this route, is there any plan to make any changes in the St. Lawrence Board of Control because all the stakeholders are not represented there. And this is extremely important and the Study Board knows this because they hired a Mr. Edmonds from the University of Ottawa to do a kind of third-party look at this whole situation. He was critical. He gave a lot of criticism, very much the same that our coalition does. And one of the things was he said that that board is not representative of the stakeholders.

(Applause.)

MS. SCHERMERHORN: That's the end of my questions.

MR. MONTAN: Okay. Thank you. Jon Brown, would you like to address the Lake St. Lawrence question?

MR. BROWN: Sure. Again, I'm Jon Brown from the rec boating and tourism technical work group. I'll say the full name.

And tourism was an important aspect of our evaluation. We actually, in terms of on the U.S. side for developing the boater survey and also looking at facilities 100% inventory of marinas and launch ramps. We used the data that was available to us on the U.S. side, which is registered boats, which we were able to access the entire list from New York State DMV, and what is available on the registrations is the principle county of use. So we basically pulled off the data to get our sample, potential sample of 10,000 boaters, of which part of that was those indicated St. Lawrence County as their principle.

Now there's, obviously that's a big stretch and we have limitations already. We were, because of the slope of the river, we had a huge reach of Ogdensburg that we thought would be adequate and subsequently we found out that it wasn't because of just the nature of the way that it, gradient, the way that it works with flows. So we should have subdivided that. That's kind of a physical thing, not an economic side, so I wasn't aware of that at the time. So we are working on that right now. Actually we're actually taking data and we subdivided the region to the new Ogdensburg and also Lake St. Lawrence in separate reaches and coming up with information on the economic side as well as what the response would be from water levels sides. They're doing it in the plan formulation evaluation group.

With regard to -- I guess that answers that question about that.

With regard to -- by the way, Tom Brown, I'll just say something to you with regard to Cornell University and their 40 years of expertise. That doesn't apply, of course; they're doing things the same old way. And the answer, with regard to economic techniques, is a developing science, and they're a state of the art -- Cornell University is a top notch university and they've done a great job. So I would like you to -- I'm looking forward to seeing Dalton's response to specific criticisms of specific aspects, and we'll be glad to review those, rather than just taking potshots at the thing in general without any specifics.

With regard to, I think Bea said the boating survey was gobble-de-gook. That's what we called it last night in Massena, and actually I would have looked forward to you actually being part of our, as a liaison when you're a part of PIAG, to the recreational boating group, if you had attended any of our meetings, which they're all open. And when PIAG did it we would have opened your comments and criticisms while we were developing it. We also, Dalton, well, you're on PIAG, too, had open meetings to the Study Board explaining their methodology all the way through this thing. And there was a lot of questions that came up and so there was ample time to review our work and explain what you think would be a better way of doing it than we did, including our boater survey, as opposed to right now. I'm glad to answer why we did the good science with this. So, thank you.

MR. MONTAN: Thank you, Jon.

MS. SCHERMERHORN: I have a reply to Mr. Brown, please. When I was on PIAG I made a concentrated effort because I've made my living in recreational boating, I made a concentrated effort to find out where and when the rec boating meetings were being held, and I never got an answer and I tried multiple times.

MS. KENNEDY: Jon?

MR. MONTAN: Yes, Elaine.

MS. KENNEDY: I'd like to make a comment about Lake St. Francis because that was brought up, if I may.

MR. MONTAN: Okay.

MS. KENNEDY: My name is Elaine Kennedy and I'm a volunteer on the Public Interest Advisory Group. I live on the north shore of the St. Lawrence River just north of Cornwall, and I'm very involved in environmental issues around Lake St. Francis. One of the things, just to explain why Lake St. Francis was not involved as much in the, in this study as far as rec boating is concerned, is the fact that the water levels on Lake St. Francis are very steady. In fact, they're a little too steady for those of us in the environment field, and we've been having discussions about the effect of that steadiness on fish habitat. Because of the dam at Beauharnoise which is downstream of the Moses Saunders Dam is regulated six hours later than the dam at Moses Saunders, there is not a big difference in the level. The water sort of flows through it and keeps on going. Now, there is an effect close to the dam that the First Nations people of Akwesasne brought to the attention of the study the effect of, especially on shoreline erosion and the problems with that. But as far as the boating and the fishing is concerned, there are so many other factors that are far harder or worse for both recreational boating and fishing that the people there are concerned about. Water levels is not the big deal for those people. I was at a meeting the other night about the fish, fish -- perch fishery and the fish management system and the problems there are not a water levels problem as far as what this study is involved in. It's the fact that they're so

steady. That's the problem. And that won't be changed by any of the plans. All the plans, whatever is chosen will still have the Beauharnoise Dam opens, or closes, six hours later. I just wanted to clarify that. Thanks.

MR. STAKHIV: Thanks, Elaine. Russ, perhaps you would like to address the matter of a reopener.

MR. TROWBRIDGE: Yeah. Actually -- Russ Trowbridge again. There are two issues I'd like to address with Bea. One is the issue of whether or not the plan should be reviewed after a certain period of time. It's pretty clear that one of the things that will be considered by the Commission is doing exactly that. And that's the kind of question that should be addressed to the IJC, not to the Study Board. They have been asked to come up with plans, recommendations. Not asked to recommend how to implement them. In fact, we've specifically asked them not to make that recommendation because it's a decision the Commissioners want to make. But having got through this --

MR. HOOPER: Has that point been brought up to you?

MR. TROWBRIDGE: Pardon?

MR. HOOPER: Has that point been brought up to you?

MR. TROWBRIDGE: Which point?

MR. HOOPER: That it should be considered.

MR. TROWBRIDGE: Oh, yes, yeah, yeah. And it will be considered.

MR. HOOPER: Then why make the comment.

MR. TROWBRIDGE: But she asked the question. That's why I'm making the comment.

MR. HOOPER: But you said it should be brought up to you. You're here.

MR. TROWBRIDGE: Through the Commission. Well, when the Commission makes its decisions, one of the factors it will consider is whether or not it should revisit the plan, whether there should be adaptive management. Those are important issues and those will be included. I hope that clarifies that. And it's up to the Commissioners to determine that, and that will be determined based on a review of the final report when that comes out.

The second question which was raised last night was restructuring the Control Board. And I'll try to clarify this a little more than I did last night. It's clear that not all the interest groups which we currently recognized are seen on the Control Board now, and that, the Commissioners, from my understanding, want to correct that. They want to make sure that there is a balance there. There are a lot of different ways that can be done. It depends on what sort of a plan comes up. If there is a plan which has no deviations, there's not a lot of discretion, the interests, the various positions of the interest group can be built into the plan and you'd have less need for people to, a lot of people to be involved because there wouldn't be a lot of discretion in making deviations.

On the other hand, if there is a plan with a lot of deviations that they decide to move forward with, then there would be more active representation because it would be important to have involvement, active involvement of the various interest groups. And certainly one aspect which is moving forward currently is better communications by the Control Board, which includes better outreach with the constituents that are affected by water levels in the actions the Control Board takes. So some of these actions are taken forward now. And when there is an obvious fix that can be done, the Commission starts working on it.

MR. MONTAN: Thank you. The last point before we get to the next question are, dealt with coastal erosion. Does any Study Board member want to try and tackle that?

MR. STAKHIV: Ok, I'll take that. On the coastal erosion, from the standpoint of the study, the two main areas that we spent lots of money on, is the environment and coastal erosion and flooding. Those are the two most comprehensive modeling efforts, data collection. We had to spend a couple of million dollars just to get the bathometric, topographic information, much finer scale than what was available through the various topographic charts and hydrographic charts that were available. The area there was plus or minus probably two feet in terms of the certainty of the data. So we got it down to about a, plus or minus a half a foot, using all of that information, using all of the lots, inventory of every house around the lake and the shorelines, using hourly, literally hourly wind and wave data and storm date. I consider that the coastal erosion and flooding model is probably the state of the art. No one has anything better in the United States. So that information is very sound.

The environmental information is very good. It needs to be added to because we simply don't have, currently we don't have a comprehensive theory for ecosystem responses. They're still working on that. But the coastal erosion, the theory has been developed a long time ago. We just finally collected all of the information to put that theory into place.

MS. FOSTER: But you said yourself that erosion happens.

MR. STAKHIV: Erosion happens, yes.

MR. MONTAN: Could you identify yourself.

MR. STAKHIV: But it's the magnitude. What we didn't know was the dollar value of the damages, the magnitude of erosion, the rates of erosion and the specific sites where they occurred. And we've done it with a much greater level of precision than was available to this date.

MS. FOSTER: But that puts any environmental plan that asks for a wider range at a disadvantage. So right off of the get-go anything that's good for the environment is going to have to deal with the assigned cost for enrichment --

MR. STAKHIV: Yes.

MS. FOSTER: When it happens anyhow.

MR. STAKHIV: Yes, yes. I was merely answering Bea's question about --

MS. FOSTER: I understand her specific question but generally, you're assigning something to an environmental plan that would happen under any plan. A wider --

MR. MONTAN: Can you go to the microphone, please.

MR. STAKHIV: Can you hold just a second, please. I'd like to give the next person in line her chance first. She's been waiting. And followed by yours, please. Thanks.

MS. KRISHMAN-WEBB: I'm Twyla Krishman-Webb. I'm a retired university college profession and I taught English composition for a number of years. I would like to point out, reiterate a statement made by Bea. Everything, every piece of material that I have seen come out from the Study Board including a letter to the editor in the Watertown Times from Mr. Stakhiv has been able to point out to you how you have been slanting the material. And if you need help in not slanting, I would be very happy to do so.

(Applause.)

MS. KRISHMAN-WEBB: May I follow this with a question, please? Given that, I would like to ask the question, stressing Plan D, how can you possibly stress Plan D, when Plan D relies on the Iroquois Dam 56% of the time. The Iroquois Dam is manually operated and unless the Canadian government is willing to spend millions of dollars to redo the Iroquois Dam, how can you do it? Thank you.

MR. STAKHIV: Your first comment. We're not, we're not biasing any of the plans. We developed three plans. The mere fact that we developed an environmental plan, that you have available for consideration, and we're merely, we're sending three plans forward for the IJC to consider. The Study Board doesn't have any particular --

MS. KRISHMAN-WEBB: Sir, The simple, the titles, the titles alone show a slant.

MR. STAKHIV: I disagree with you, okay. We can have this discussion later on.

MS. KRISHMAN-WEBB: Happily. Thank you.

MR. MONTAN: Okay. Would you like to --

MR. STAKHIV: The Iroquois Dam, David Fay.

MR. FAY: I have to stand over here so I don't have interference with the speakers. I don't know what you mean when you say manually operated, and I'd like to -- I don't know where you read that. It sounds like somebody's out hand-cranking the thing. That's not the case at all. They're operated by cranes, but it does take a crew to go out to the dam and to use the cranes to lower the gates. There are 32 gates. Once they set the gates, and just because they're --

MS. KRISHMAN-WEBB: Okay. That would be manually operated. They're not pushing a button and they're doing it automatically.

MR. FAY: Well, it's not -- believe me, there actually are dams where people actually have to go out and crank the gates. We have one of those at Sioux St. Marie. So don't get this

position that people have to crank gates. And it doesn't take that long to operate it. It's maybe six hours to operate all 32 gates.

However, just because it's used half the time, or specified used half the time, doesn't mean it's going up and down constantly half the time. You go out, you set it, you come back in a couple of weeks when the setting is no longer right and you adjust it again. You go out and set it again. There's nothing prohibitive about that. There's no reason that that would have to be automated in order to function the way it's proposed to function in these regulation plans.

I grant you that that would be a great inconvenience for boaters that want to travel from Lake St. Lawrence up the river or vice versa, they'd have to go through the locks. However, I recognize that boaters don't want to do that and it's much more convenient to have all those gates open and to be able to go up and down.

Has that been accounted for in the recreational boating economics? I don't think it has because we just don't have good data on how many trips there are through the open gates of the dam. And unless you had somebody out there doing that survey, I don't see how you'd collect that. But I recognize that that is an important consideration. And we should make that freely available and I'm glad that Dalton included that figure in his handout because that is something we frankly overlooked.

MR. MONTAN: Okay. Thank you. Next.

MS. LAGO: My point about erosion was --

MS. KENNEDY: Your name, please, for the transcriber.

MS. LAGO: Karen Lago, Save The River. You said earlier that erosion will happen regardless. It's exasperated by storms, ice conditions. But it's going to happen anyhow, but by assigning a cost of damage to any plan with a wide range of fluctuation, you're putting environmental plans at a disadvantage. And I just wanted to make that point noted.

MR. STAKHIV: Okay. The economic benefits and costs is one way of looking at the impacts and valuing what happens. So it's on a relative basis so you compare the different plans on their relative performance regarding flooding, erosion, navigation, et cetera. I don't think that the ecology is put at a disadvantage because we put economic data in there. You still have, remember you have 32 environmental performance indicators and we try to satisfy all of them. We only have one metric for economics. It's dollars. Net benefits. So I don't see how you can say the environment is being disadvantaged. We went overboard to look at lots of different factors and features of the environment.

MR. MONTAN: Yes, sir.

MR. SNYDER: Yes, hi. My name is Cliff Snyder. I'm from Cape Vincent, N.Y. An earlier question that Karen had with Save The River with respect to your graph there on overall environmental performance indicators --

MR. MONTAN: Excuse me. Could you stand a little closer to the mike. I think --

MR. SNYDER: The issues with respect to the graph that you had presented with the overall performance of the different plans environmentally, and which you had A, B and D, and Karen Lago earlier asked why hadn't that been compared with the natural flows. And you said, well, for some reason that that's, normally it's not done that way. Well, maybe another way to frame that question is, do you have the number, you've got the indexes here of 1.14 for Plan A, 1. -- excuse me, 1.14 for Plan A, 1.41 for Plan B and 1.03 for Plan D. Can you tell me what was the index for Plan E, which is

MR. STAKHIV: 1.56. It's the fourth column.

MR. SNYDER: I'm looking at your handout.

MR. MONTAN: It's 3.97?

MR. STAKHIV: Oh, that's right. On the bottom. I'm looking at the wrong row. Yeah.

MR. SNYDER: So then even though you're suggesting that there were improvements over the 1958 baseline that in terms of environmental naturally flows there's a substantial reduction in all of the plans that you've looked at and you're presenting.

MR. STAKHIV: Yes.

MR. SNYDER: Another question. In your, in the Plans A, B, C and D, when you talked about maximized economic benefits, I noticed there were some reductions in recreational boating, property losses and that type of thing, which each of the three plans -- but if I recall, in terms of the Seaway, use and commercial boat use and also hydroelectric, there are always net gains from all three of those plans. The question I have, were there any plans that you had that you did not present in which there were no net losses to recreational boating, to the environment or to property owners, but there were some reductions in terms of net economic benefit to Seaway interests or to hydroelectric?

MR. STAKHIV: David has a -- David, you have a better feel for the -- I can't remember the numbers from the other 10 plans.

MR. FAY: I don't want to get feedback again, so I have to go-- We did not find a plan that created positive environmental impacts, positive, or at least neutral rec boating impacts, that also had negatives for hydro power and commercial navigation. Generally actually hydro power tends to do quite well with the natural flow or a natural plan. It's, these other human interests, coastal property, recreational boating that don't do well with a natural plan.

The handouts, and I think this maybe is answering Bea's and Karen's question to some extent, too, that there's a big sort of fixation on Lake Ontario erosion. If you look at the summary table, you'll see that most of that coastal damages number for Plan B is actually flooding in the Montreal area. About $2 million per year on average. And it's only a relatively small amount which is the coastal erosion problem on Lake Ontario. If we could overcome that significant plumbing problem in the lower river with Plan B, I think it would be a much easier, more generally acceptable plan. And the plan formulators, of which I am one, are working to try and find a way of doing that without taking away a lot of the environmental benefits of Plan B. So we still hope. We can't make promises we can't keep.

MR. CAMERON: I got a question here, please.

MR. MONTAN: Yes.

MR. CAMERON: Jim Cameron from Goose Bay. It seems that most of the information that's been presented is based strictly on a small part of the watershed, that being Lake Ontario and the St. Lawrence River. Has there been any consideration given to the water flow or input from the upper Great Lakes into the study?

MR. STAKHIV: Absolutely. David.

MR. FAY: I guess I may as well just stay up here. About 10 years ago we had a very large study called the Levels Reference Study that looked at further regulation of the entire Great Lakes system, and we found at that time that regulating the outflows of Lake Erie, which is where 85% on average the water of Ontario comes from, from Lake Erie through the Niagara River, regulating that outflow wasn't economically or environmentally warranted, feasible or cost beneficial. So basically that question was put to bed about 10 years ago in a study, and there, at the time, was a great deal of pressure from the Lake Erie shoreline property owners over questions such as increased erosion and flooding and we found that there just wasn't enough damage to those property owners to warrant creating a new series of dams on the Niagara River. There just wouldn't be that much benefit. And there would be environmental impacts.

MR. CAMERON: So basically what we're saying then is that the water that we have here in Lake Ontario and the St. Lawrence River is really a function of what's happening in the upper Great Lakes, is that correct?

MR. FAY: Largely, yes. I mean, a certain amount, about 15% on average of the water coming into the Lake Erie -- into the Lake Ontario basin is due to rainfall and runoff on the Lake Ontario basin locally, and the other 85% on average comes down the Niagara River, and it varies. Due to climate it goes up and down, of course, as well.

MR. CAMERON: Okay. Thank you. That's all I needed to know.

MR. MONTAN: Yes.

MS. CLIFFORD: Hi. I'm Maggie Clifford. I have a place on Wellsley Island. I'm wondering in what kind of future you guys see an environmentally sound plan like Plan E possible. Like, what can we do now to get there?

MR. STAKHIV: What it would take to --

MS. CLIFFORD: Because you said that Plan E isn't even possible now because we can't, there's nothing you can do to get to that environmental standard. Is there anything that can be done?

MR. STAKHIV: Yeah. Well, essentially, if you recall that first graph I showed you of the 101 years of -- 160 years of record, you would literally allow that, the excursions that you have, the very high highs and the very low lows, to occur again naturally. But we wouldn't take the dams out. We wouldn't take the St. Lawrence Seaway out. So all of those, it would just flow through the system as it is today without regulation. The dam is in place, but

you're not regulating the water. You're just letting the natural flows come, flow out of the system. So that would create enormous -- during those high peaks and low lows, would create enormous damages to all of the sectors.

MS. CLIFFORD: So like we'd just need to get rid of all the houses.

MR. STAKHIV: You would need to -- let's put it this way. Yeah. You would need to have a fundamental reform of land use policies, coastal zone management, permitting, all of the regulatory apparatus of New York State, the Province of Ontario and the Province of Quebec. And that's a big, that's a tall order.

MS. CLIFFORD: We can do it.

MR. STAKHIV: Well, it's doable within 50 years if you put your mind to it.

(Applause.)

MR. MONTAN: Anyone else?

MR. MASTERS: My name is Mike Masters. I own some property on Lake Ontario. I find it difficult to believe after studying for five years and spending $20 million that the best plans that we can come up with parallel a plan that is 50 years old and only deviates a fraction of a foot either way. Thank you.

MR. STAKHIV: That stems from two reasons. One is that, in my view anyway. One is that the original designers of Plan 58-D were very good engineers and hydrologists and they set the basis for regulating the plan. So they did a good job.

Secondly, the Control Board, and I know that many of you here disagree with this, the Control Board in their accumulation of ad hoc decisions have done a reasonably good job of avoiding many of the damages, maybe not to recreational boating. Certainly they didn't concern themselves with the environment. So it's difficult to improve for the five economic sectors that we listed, it's difficult to improve significantly over the current operation. What we're looking at now, most of the plans are looking at now, is how to improve the recreational boating and tourism sector and the environment, without, without disproportionately harming the other sectors.

And you're right. Those numbers, a minus $2.8 million average annual cost are relatively small when compared to the size, the economic size of each one of those sectors. Absolutely. But I attribute it to the fact that the people who came before us were pretty smart in designing those plans.

MR. MASTERS: I disagree with you. I think most of the people here today are here because they do not think that the plan that's in place today is solving any problems or is doing a good job. I think we're all here because there are problems.

(Applause.)

MR. STAKHIV: We'll have to have a beer and disagree.

MS. FOSTER: Hi. My name is Nancy Foster. I'm with the International Water Levels Coalition. And just to reiterate what I think I'm hearing, and that is that Lake St. Lawrence and Lake St. Francis was left out of the recreational boating study. You did not take into consideration the use of Iroquois Dam. You did not take into consideration the economics of people not being able to go up and down the river because the gates would be closed with Plan D. I don't think you took into consideration the fact that in the St. Lawrence River, lake, we only have two marinas and they are state owned. Was that part of your study? Did you consider that?

MR. STAKHIV: They're included.

MS. FOSTER: They're included, but how many actual boaters, travel boaters and other boaters, dock owners did you -- how many people responded in Massena? How many did you ask? Well, we'll get that later. Okay. To follow up on Bea's question, we believe that a lot of misinformation is out there, that the study is flawed from our point of view, and you have data out on your website, you are publishing data in your brochures, that says Plan B is bad for recreational boating. We do not agree with that, and we want to know what you're going to do to create the information that you are giving to the public that we believe is flawed.

MR. STAKHIV: Even as we sit here today, there are people working on improving that database, and we'll get together with you, and I think we've talked to Dalton to arrange for a meeting with the IWLC and go over some of the details of the information that we have.

MS. FOSTER: I appreciate that, but that wasn't my question. My question was, what are you going to do about the information that you have already distributed, the information you already have on your website, the information that you already have out there in brochures, that says Plan B is bad for rec boating. We do not believe that information is correct. You have it out there. What are you going to do to correct that public perception?

MR. STAKHIV: We have to check the information first and if it's incorrect we'll change it.

MS. FOSTER: Okay. How will you change it? What will you do?

MR. STAKHIV: We'll republish these brochures.

MS. FOSTER: Okay. And you would --

MR. STAKHIV: And we'll make the corrections on the website, certainly. We don't want --

MS. FOSTER: Okay. In a timely manner.

MR. STAKHIV: Yes.

MS. FOSTER: All right.

(Applause.)

MR. MONTAN: Yes, sir.

MR. HOOPER: My name is Willie Hooper. I'm from Potsdam. And I've heard this comparison a couple of times and I just wanted to ask specifically, how is the proposed Plan D different from our current 1958 double D. What specifically is different about them?

MR. STAKHIV: David, Bill, get a shot at that?

MR. FAY: Yeah. Well, you want to talk about the methodology used or the outcomes? Because the methodologies used to get there are --

MR. HOOPER: I've just heard the comment twice tonight that Plan D is what 58 double D is.

MR. FAY: Well, they're very different in terms of the rules that are used in the methodology. Plan D uses an optimization tool, which is completely different than the rules that were developed for Plan 1958-DD. However, Plan D was developed with a primary goal of not harming anyone. When you set up and you're comparing not harming anyone to 58-D with deviations, it's very hard to do very much to benefit anybody without harming somebody. So as a result, Plan D ends up looking a lot like 58-D with deviations, because if we did better for certain sections of the environment, but not very much, and certainly nothing close to Plan B. But it does generate some positive benefits for hydro power, a little bit for coastal interests, some for the Seaway. Well, you saw the numbers. So there's a little bit -- well, I guess for me it's a lot but over in the general scheme of things I think $5 million bucks a year overall in the big system likely isn't a whole lot of benefit. I'd like to have it but it's not a whole lot of benefit. So that's likely, maybe we could do a little bit better. We're working on other plans. There's another plan that we talked about that does a little bit better economically but still doesn't manage to improve the environment, when you have significant economic benefits. So there certainly are some trade-offs to be made. They're tough trade-offs, they're regional trade-offs. We're seeing that. Some of the people on Lake Ontario don't like it, the plan that the people on Lake St. Lawrence like. And that's not surprising to us. And I think you all have to be understanding and you have to look out for your best interests, too, and we expect that. So I'm very glad that you're showing up and that we can continue this dialogue. What I would like to make sure that everybody here, if they're going to make a decision and support a plan that they know everything about that plan in terms of its impacts everywhere before they go out and support it, so they are making this decision with their eyes wide open and aware of all the facts, and not just being given one segment of the information that might be biased. And I'm not saying we're biased for either. I think you should listen to all the sides that you can to come up with your own best decision, if you're going to support some plan. Thanks.

MS. FOSTER: Before people leave, as I see a lot of people have done, I was just wondering if we could do a straw vote as we did in Massena last night, to find out how many people here, just on what they're heard so far, are in favor of either Plan A, Plan B or Plan D.

MR. MONTAN: That was allowed last night and so therefore we're going to allow it tonight. I think I'd like to just make sure everyone has had a chance to ask their questions before we do that sort of thing. We don't want to preclude anyone. Yes?

MR. MATHRAN: Hi. My name is Allan Mathran. I have some property on Schmo Bay. And I'm not really that familiar with the study and what not. My perspective is in, my property water level last year especially, like the second week in August it dropped from three feet to like a foot and a half at my property, within a matter of a week the water level went down. And my curiosity is, are any of these plans going to affect, like for most recreational boaters, people that come up into the area for tourism, they have a hard time even launching boats

at that kind of water level in August. What's wrong with having water levels stay a little bit higher, say into the end of September perhaps? Is that considered in this plan or is there any one of these plans that would increase that water level for a longer period of time during the summer?

MR. FAY: Plan B tends to keep a flatter profile. It doesn't fall as much from the spring to the fall. However, there's more variability from one year to the next with Plan B. So there's a tradeoff to be made. Some years ago, there were lower waters the whole season, but it won't fall so much. So if you're going out and you have a fixed dock that you set each year, you can set it in the spring and the water level won't fluctuate quite so much. But the next year it may be quite a bit higher or quite a bit lower. That natural variability is very good for the environment. But it's -- there's tradeoffs from the point of view of rec boating, I think.

MR. MATHRAN: Okay. Another observation was made earlier from the DMV. You collected ownership of boats for the local area. Well, my boat is not registered in this local area. It's in Syracuse. And I know quite a few owners that don't register their boats in this county, Jefferson or Lewis County. They have them from all over the place coming up and so I would imagine that you have an error there probably of 10, 20, maybe even 30% more boats using this water, water facilities than what you're estimating.

MR. BROWN: This is Jon Brown. In answer to that question, we need to understand too the, what we used was from the registered boats, the people that indicated their principal waterway of use. So if you're from Syracuse and you said you used St. Lawrence County or Jefferson as your principal waterway of use, then that would be the -- then you'd be pulled as a potential sample. And if they have registered boats in New York State. And actually we, it's an underestimate -- it's the best we could do with the limited information. So we've underestimated I think the impact to boating.

MR. DOCTEUR: Hi. My name is Michael Docteur and I'm a councilman of the Town of Cape Vincent. The Town of Cape Vincent has the distinct privilege of having property that borders on both Lake Ontario and the St. Lawrence River. Our quality of life and in part our very livelihood depends on the level of this magnificent waterway. I would like to thank Dalton and his group, the LW -- or IWLC for bringing this issue to the towns and villages of this waterway. They've been to our meetings in the Town of Cape Vincent. I know they've been to the Town of Clayton and many of the villages along the river, speaking on this issue and bringing all these issues to light early on. Without this group there may not be a debate tonight. It would just be an informational meeting. Thank you very much.

(Applause.)

MS. RUSHO: Hi. Chris Rusho. I'm just interested, where people who make livings on the river or on the lake asked about this survey? My father happens to be somebody who runs barges, and water levels are really important to his business and I don't recall him ever being asked about this survey. I mean, is it just recreational people? Are we just looking at how much money you make? I'm just curious why, were businesses included that people who make livings on this water included in the survey?

MR. MONTAN: This question came up before in an earlier meeting. There are some people who do, for example, they do construction. Perhaps your father, you say --

MS. RUSHO: Yes. He runs barges in many areas along the river for many years. And I don't recall him ever being included, so I'm just interested to see if recreational people are included but not people who make livings.

MR. MONTAN: Yeah. The example from the other hearing was a fellow who was a contractor and he had to bring supplies into jobs that he had on islands, and when the water levels weren't conducive he had problems with that. He asked the same kind of question. Were those types of water users included in the recreational boating.

MS. RUSHO: What was the answer?

MR. MONTAN: John's going to.

MR. BROWN: This is Jon Brown again. With regard to commercial users, we did include charter boat operators, tour boat operators, not barge and that. So excluded and it's not, we're recreational boating so if it's not related to recreation we'd be happy to cover it under some other group. So that wouldn't be under our -- so I -- it would be covered under ours, but we did cover those commercial aspects. And also for recreational boaters would be ones that have either, have access through launch ramps, in marinas or private docks would be the -- and then tour boat, charter boat operators and tour boat operators. Okay.

MR. MONTAN: Yes. Russ.

MR. TROWBRIDGE: This is Russ Trowbridge again. There is a entire technical working group on commercial navigation that may have been covered under. The focus here is on recreational boating because that's where the interest is. So the fact that it hasn't been discussed here doesn't mean it wasn't taken into consideration.

MS. RUSHO: But there is some sort of group that -- I'm sorry, but I'm just interested. Is there a group then that is interested in the water levels for business? I mean, then what's the point of even -- if you make a living -- I mean, I understand recreational is very important but I mean, if you make a living on this, especially if it's close to year-round, I'm just interested in, you know, what group is there then?

MR. STAKHIV: There's a commercial navigation group. And they did a very detailed analysis of most of the commercial navigation. I can't say for sure that they included the local barge operators. We're talking about the seaway related navigation. You know, the larger vessels. But we'll check on that.

MR. MONTAN: Yes.

MS. FOSTER: Nancy Foster, IWLC again. Just a point of interest. The IWLC has close to 1100 members in the United States and in Canada. Of that 1100 members 45% of them are not in New York State. They don't live in New York State. They just come here to boat. U.S. I'm sorry, 40% on the U.S. side. And they represent 22 different states, plus I think the District of Columbia. And I don't think that was in your rec boating survey.

MR. STAKHIV: I don't think that we're, that we're obligated to sample all the members of the IWLC.

MS. FOSTER: No, but you're obligated to find out who the hell uses the waterways.

MR. STAKHIV: We, I think we did a very good job of finding out all of the recreational boaters, all of the economic uses of the system. And I think we did a very good job. And we have no -- I don't understand why we have to, you know, survey every member of the IWLC because there are hundreds of other organizations that we didn't sample as well.

MS. FOSTER: We didn't ask you to.

MR. FOSTER: Let me answer that one. The question wasn't, why didn't you survey more IWLC members.

MR. STAKHIV: That's exactly what the question was.

MR. FOSTER: The question was not that, if you had listened. The question was, did you look at out of state boaters. The fact was that the sample of IWLC members, 45% of U.S. members are from out of state. In the boating report it was less than 2%. Now, maybe there was more than that, had nothing to do with IWLC being who you should interview, but maybe there's a higher number of out of state boaters coming in to use this waterway than you thought.

The other thing is, when people do studies they never did a study that was perfect. You haven't done a study that was perfect. You never will. Nobody will. So when you hear criticism, accept it and don't just say, we did a wonderful job. Thank you.

(Applause.)

MR. MONTAN: Yes, ma'am.

MS. BODEN: I have a question. Marilyn Limus Boden, Chippewa Bay. But during the week we reside near Rochester. And I know there's a strong element of lobbying down there to keep the water level, especially on the south side, low, so that they don't have a lot of erosion like they've had in the past. What I'm wondering is, all these lobbyists that are so strong in these areas, are they going to affect and possibly negate anything we're doing here today, and do we have good lobbyists that are going to work for our behalf up here for good water level and for businesses?

MR. STAKHIV: I think you have a pretty good lobbying organization in the IWLC.

MS. BODEN: But can it over-vote the strong political lobbying --

MR. STAKHIV: That's part of the political process. Everybody has a voice. You're doing your job. You're presenting your views. We're listening. And we have many public meetings. Different people will come up with different views, and that's part of the balancing act. Sir?

MR. FARSACI: Hi. I just wondered if perhaps this would be a benefit in determining the recreational boating more accurately. There are figures on gas sales, and gas could be a good, highly correlated method to get at a percentage of boating impact that's reported in all the state figures, easily accessible.

MR. MONTAN: Could you state your name once again?

MR. FARSACI:: It's Michael Farsaci.

MR. MONTAN: Thank you.

MR. BROWN: This is Jon Brown in response to that. Yeah, with regard to the budget that we had, there was a lot of different ways to skin the cat here, and we did look at expenditures. We did look at the, look at boaters as a group I had mentioned, in looking at their expenditures as a method of determining one of the aspects with respect to not just limits to pay but actual expenditures. So like I say, going out and trying to get gas sales from, you know, getting the sample from particular group and trying to extract that in addition to what we're doing. We're first off worried about overlap, that would be double counting in some way. So we want to kind of stick to, you know, the one method so that we, we wouldn't be double counting. And also it was readily available and inexpensive. And as I say, we're doing a lot of these other things. Out of state boaters -- there was a lot of thing we could have done and it would have just skyrocketed up the cost. You know, we have a limited budget available to us, and if on one hand you can't criticize that the cost of the study was too high and then say you wanted a whole lot more things done to try to refine the data that would be provided.

MR. MONTAN: Anyone else?

MR. FERON: I'm Christopher Feron and I live on South Bay, at the extreme western end of Wellsley Island. I've been a member of the IWLC for quite a while. I have two things about the discussions that I wanted to mention. First, I have property that looks right on the river, South Bay, right out my windows of the house. And I suddenly began to have a feeling that because I'm here as a year-round resident I may see something that is not obvious to everyone. And that is that the recreational boating hits its height when school is out. And almost ends at Labor Day. Yet when I look out my windows, the boating in South Bay and out toward Eel Bay is filled with local contractors that keep working and breaking their boats out of the ice as long as they can to try to keep their industries going. There are dozens and dozens of boats that are still out there in the spring. As soon as they can take crowbars and break the ice, they're back again. So I wondered if you were really aware of what a big local commercial interest operates on this river when the summer people have to leave because their youngsters have to go back to school.

And the second point, I'm reacting a little bit, I've forgotten who it was among you, a very clear spoken person, made the point that there was an awful lot of lobbying to protect the interests of the south shores of Lake Ontario. And they certainly have a right to do that. I don't -- they have an interest and that's part of our democracy is the right to lobby. And then the answer was, but the IWLC is a lobby here, as a counterpart. I don't think that was a fair answer. The charter of the IWLC, its mission statement, is not to lobby for any one area's interest, but the work that the Fosters have led so magnificently has been defined, the plan that gives the maximum fairness to all concerned. We are aware of the problems of south shore of Lake Ontario. We're aware of the problems of the electric power industry. We're aware of the boating industry and of the local commercial industries. So I want you to set anyone's mind at rest that the IWLC is not partisan to a narrow point of view. In supporting Plan B, it is because our statisticians believe that Plan B has the most to offer to all interests.

(APPLAUSE)

MR. MONTAN: One more or at least?

MR. TRIPOLI: Hi. My name is Scott Tripoli. I'm a member of the Public Interest Advisory Group and I want to let everybody know that within the study as well, in addition to the net economic benefits, there is also a percentage of benefits charts that can be looked at and correlated. If you believe that in certain stakeholder groups all of the net economic benefits have not been included, you can rest assured that whatever direction the percentage increase or decrease any stakeholder group would have based on any one of the plans is going to be representative of a larger or smaller dollar amount. So if we can take a look more closely at the ratios and percentages of change for any one stakeholder group as opposed to the net dollar benefits, I think that would be a little more representative of disproportionate loss in any one stakeholder group.

MR. MONTAN: Thank you, Scott. Anybody else? It's about quarter after 9:00, just in case you hadn't noticed. And we're not trying to rush anyone but we don't want to prolong it either. Anybody else?

I will honor Nancy Foster's request. This is not a binding vote. This is just a informal hands-up straw poll to vote on the three -- to indicate your general support for one of the three plans that you heard presented tonight, A, B or D. And anyone here would like to vote for A, Plan A? Anyone for Plan B? How about Plan D? Okay. Thank you. Any last questions?

MS. FOSTER: What was your count?

MR. MONTAN: Strongly for B, and D got about a few votes, and -- two votes, okay. And I didn't notice.

MR. STAKHIV: Got zero.

MR. MONTAN: So I'd like to turn it back to our chair here briefly for our closing.

MR. THIEBEAU: Well, folks, from all we've heard this evening, I'm sure that you now understand it will be difficult to ask of the commissioners of the International Joint Commissioners to make a decision about a new regulation plan. The study team and the commissioners need your input. And please turn the survey, before you leave turn it in to the desk in front, and if you want to send us additional comments later you have the contact information in your packet. If you did not sign a sign-in card on the way in, please do so as you leave since we want to keep in touch with you. If at any point you think of someone, or if you meet someone who would be interested in information about the study, please pass on our contact information to them. Thank you for coming and have a good evening.

(Applause.)

(Proceedings concluded at 9:30 p.m.)

CERTIFICATE

I, THOMAS BAKER, certify that the foregoing transcript of proceedings in the USACE-PIAG, Public Meetings, was recorded utilizing a Sony BM-264, and transcribed from a Sony BM-246 transcribing and recording machine, and is a true and accurate record of the proceedings.

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