



## THE WATER LEVEL CONUNDRUM

**Proposed modifications to IJC plan find broad areas of disagreement**

**F**or almost 50 years, water has been released through the dam in the international section of the St. Lawrence River in accordance with requirements set forth by the International Joint Commission (IJC) in an Order and Regulation Plan (known as Plan 1958-D) established when the project began operating in 1960. Plan 1958-D with Deviations has served the Seaway and its many users well over the years.

Plan 1958-D was designed based on the water supplies to Lake Ontario that were recorded from 1860 to 1954. The Commission's International St. Lawrence River Board of Control (Board of Control)—the body responsible for implementing the plan—has often deviated from Plan 1958-D, in part because water supplies in the last 40 years have been both wetter and drier than Plan 1958-D was designed to handle. 1958-D with Deviations was implemented by the Board of Control and has worked well for commercial navigation.

The IJC, however, is seeking to change those requirements through a new regulation plan. In December 2000, it established the International Lake Ontario-St. Lawrence River Study Board to review the current regulation of Lake Ontario and St. Lawrence River water levels and flows.

The process undertaken by the Commission has been controversial, and no clear agreement on a new plan—much less if a new plan is needed at all—has emerged from this eight-years-and-counting, \$20 million undertaking. The Study Board's May 2006 report listed three new plans for the IJC to consider implementing, but failed to recommend any particular plan.

The three plans (A+, B+ and D+) were to create overall benefits relative to Plan 1958-D with Deviations but to varying degrees and with trade-offs among interests. The greatest difference between the plans is in how they were to address recreational boating, the shoreline flooding and erosion or coastal interests, and the environment or natural ecosystem. Plan A+ is the most regimented of the three, striving to keep Lake Ontario within as narrow a range as possible. Plan

B+ strives to return the Lake Ontario-St. Lawrence System to a more natural regime, with conditions similar to those that existed prior to the St. Lawrence River Hydropower Project. The intent of Plan D+ is to increase the net economic and environmental benefits of regulation, relative to Plan 1958-D with Deviations, without disproportionate losses to any interests. Plan D+ is the closest to Plan 1958-D with Deviations.

The IJC has published a modified water level regulation plan, Plan 2007, this past March in order to receive feedback from interested stakeholders.

Plan 2007 tries to bring more environmental benefits to Plan D+ with the intent to move to Plan B+ once mitigation measures are in place. One of the most significant differences between Plan 2007 and Plan 1958-D with Deviations is that once every 20-30 years, when Lake Ontario is experiencing low water levels, Plan 2007 will keep summer levels lower than they would have been under Plan 1958-D with Deviations. The lower levels are theoretically closer to the water levels that would have occurred "naturally" under low supply conditions. Compared to Plan 1958-D with Deviations as implemented, Plan 2007 seeks to move closer to simulating natural control of cattail populations by drying out their habitats, which may have occurred more frequently prior to water regulations.

A series of information sessions and public hearings were conducted in both the U.S. and Canada over the spring, concluding on June 26. The public sessions provided the opportunity for citizens to make statements directly to the IJC Commissioners. At the 10 public hearings, they received comments on proposed changes to how water is released through the Moses-Saunders dam on the St. Lawrence River near Cornwall, Ontario, and Massena, New York, which affects water levels and flows on Lake Ontario and on the Saint Lawrence River, as far downstream as Three Rivers, Quebec. The formal public comment period closed on July 11.

A review of a sampling of the comments of industry and individuals from around the Seaway System area indicates broad areas of disagreement on the proposed modifications:

- Some community leaders spoke of disastrous implications of proposed changes to water levels including significant property loss, economic depression, infrastructure degradation, erosion of public lands, and health risks from contaminated water.
- Maritime industry representatives commented on potentially major disruptions in the shipping industry in terms of diminished capacity as well as for the impacted labor force in terms of diminished productivity. The shipping industry wants to see a solution that maintains current navigability to the extent possible, with a flexible and responsive mechanism to allow deviations as required.
- Property owners whose homes could be flooded under the plans voiced strenuous opposition, especially to Plan B+.
- Officials from the State of New York supported Plan B+, as did representatives of environmental organizations in the area.
- The provincial government of Quebec opposed outright any changes to the current plan, while certain Ontario provincial officials favored the B+ proposal.
- The official position of the U.S. Government has not yet been agreed to by all of the affected agencies and further deliberations are promised.

The IJC's goal is to sign a new Order of Approval by December 2008 and implement a regulation plan shortly thereafter. However, it is unclear whether that timetable can be met.

The concurrence of the U.S. and Canadian federal governments will be required for any changes to be implemented and, based on the comments submitted, that may be a difficult charge. ■

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