

LEVELER

E-Newsletter from the Lake Ontario Riparian Alliance

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Grassroots Public Advocacy for the Protection, Restoration and Conservation of Lake Ontario Beaches and Riparian Property

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- Response to IJC and ILOSLRB Document.

**Please forward this Newsletter to your friends and neighbors.
The information regarding the potential spring's water levels
needs to be distributed widely.**

Some brief notes regarding the IJC and ILOSLRB document entitled “Lake Ontario- St. Lawrence River 2019 High Water Levels Questions and Answers”

By Frank Sciremammano, Jr

30 January 2020

In general, while this IJC/ ILOSLRB document presents many facts, it misses the big picture items that are relevant to the flooding in both 2017 and 2019. The primary problem is that the policies adopted by the IJC and “baked into” into the inflexible Plan 2014 put all the burden of extreme high water events on the Lake Ontario residents, businesses and communities while protecting the downstream areas of the St. Lawrence River as well as the profits of the shipping industry.

The Plan 2014 F-Limit constrains the outflow from Lake Ontario in the spring so that no matter how high the Ottawa River flow is (a completely Canadian River and watershed), the level of the lower St. Lawrence River is maintained at its historic high. The result is that Lake Ontario is allowed to reach new record high water levels in both 2017 and 2019 while no new record high level occurred in the lower St. Lawrence River. This is clearly illustrated in Figure 15 of the report and discussed under Question 11.

The Plan 2014 L-Limit constrains the outflow from Lake Ontario to maintain commercial navigation in the St. Lawrence Seaway. Under extremely high water levels on Lake Ontario, the Board is directed under Criterion H14 of the Plan to provide “all possible relief to riparians”. By limiting outflows throughout the 2019 navigation season to accommodate commercial shipping operations, the ILOSLRB is explicitly violating this provision.

In fact, in answer to Question 12, the Board acknowledges that it does not provide all possible relief to riparians. Instead it considers the consequences to all and, from its decisions, implies that maintaining commercial shipping profits is more important than providing all possible relief to riparians.

The comparison to operations in 1993, in answer to Question 13, is particularly misleading with respect to possible flow increases and potential disruptions to navigation. During operations in 1993, which did result in limited disruptions to navigation, the maximum flow believed to be safe for navigation was 9,900 cubic meters per second (cms). To release more water from the Lake in 1993, the flows were increased to 10,900 cms for two days per

week and navigation suspended. It is now recognized that a flow of 10,400 cms can be released with navigation continuing and that a maximum flow of up to 11,500 cms may be possible (see Figure 16) if navigation is suspended.

Why didn't the Board, under the more extreme high water in 2019 than in 1993, once again impose temporary navigation suspensions for several days per week to allow for increased discharges?

If the Board had chosen to increase flows to the maximum possible, thus suspending shipping, for three days per week over four months in 2019, I estimate that up to 22 cm (9 inches) of additional water could have been removed from Lake Ontario.

The answer to Question 7 is intended to somehow justify not increasing the outflows above those allowing navigation to continue by bringing in very low water levels on Lake St. Lawrence as a further rationale. Lake St. Lawrence is the headwater for the Moses-Saunders powerhouse, a large hydroelectric dam. Very large fluctuations in water levels in this small area immediately behind the dam should be expected and tolerated. Reducing outflows to limit fluctuations and minimums in Lake St. Lawrence is an extreme example of the tail wagging the dog.

Throughout the IJC document, and in particular in answer to Question 19, it is stated that more flexibility on the part of the ILOSLRB would not have made any significant difference since the Plan 2014 outflow rules were based upon past decisions by the Board operating under Plan 1958DD prior to January 2017.

Yet, as detailed in the IJC document, the supplies to the upper Great Lakes and Lake Erie, the supplies into Lake Ontario and flows from the Ottawa River were unprecedented during 2017 and 2019. As clearly admitted in the report in the discussion on page 24, no one can predict how the Board would have reacted to the supply conditions and flooding that occurred. Thus, having inflexible rules when future conditions are unknown is not appropriate and not justified. In fact, the IJC has implicitly recognized that the inflexible operations under Plan 2014 do not work under extreme conditions by granting the ILOSLRB the authority to deviate from the plan outflows in 2020 (see answer to Question 21).

Finally, the answer to Question 20 only gives lip service to the idea of bringing the Lake Ontario level down in the fall, even if just done when levels and supplies in the upper Great Lakes are very high. No analysis or comparison of damages is given under the case where a drought may follow the next spring in such a situation and no detail is provided on the stated "damages" to environmental restoration efforts. Reference to the widely criticized 2006 report by the International Lake Ontario – St. Lawrence River Study Board, which did not even develop or recommend Plan 2014, seems to indicate that the IJC is not willing to take a fresh look at the consequences of Plan 2014 or potential modifications to it.