

International Joint Commission
Canada and United States



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June 16, 2017

Honorable Andrew M. Cuomo
Governor
State of New York
Executive Chamber
Albany, NY 12224

Dear Governor Cuomo:

Thank you for your letter dated May 28, 2017. We appreciate you giving us the opportunity to address your concerns and provide you with more accurate information regarding the circumstances currently affecting your constituents in New York, as well as so many others throughout the Lake Ontario-St. Lawrence River basin.

For clarification, the July 2016 news release that you reference in your letter is actually from late April 2016, as the text and data in the release indicate. It is regrettable that the date of the release was mislabeled on the International Lake Ontario – St. Lawrence River Board's website and we assure you that this error has been corrected.

Water levels on Lake Ontario were actually slightly below the long-term average from May through the end of December 2016. Additionally, water supplies (rain, runoff, and flows from Lake Erie) into the Lake Ontario basin were close to average from April to December of 2016. These near average supplies to Lake Ontario last year were the result of above average inflows from Lake Erie, offset by well below average rainfall and runoff in the Lake Ontario basin, which you may recall experienced such a severe drought in 2016 that you declared a drought disaster in 24 counties in upper New York. Based on the conditions in the basin last year, the Lake Ontario – St. Lawrence River Board found no justification to consider increased outflows at that time, as such action would have lowered lake levels even further below average. Weather cannot yet be reliably predicted for more than a few days into the future so the board must consider the risk of future conditions being extremely dry as well as the risk that they will be extremely wet.

The primary difference between last year and this is that, unlike last year's near average water supplies, from April 2017 onward, this year's supplies to Lake Ontario in April and May were record setting. Combined April and May supplies set a new record high for any two consecutive months, while last month's supplies also set a new record high for May. The capacity to forecast such conditions currently does not exist.

Additionally, weather conditions restricted winter outflows from Lake Ontario and prevented the Board from lowering lake levels prior to spring. Both Plan 2014 and Plan 1958D allow the

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Board to increase outflows from Lake Ontario once a solid ice cover is formed in the St. Lawrence River. However, it is critical to reduce flows when the ice cover is forming to prevent ice jams that could severely restrict Lake Ontario outflows for an extended period of time. During the winter of 2017, due to alternating periods of cold and mild temperatures, ice cover formation began an unprecedented five times. However a solid stable ice cover that would withstand higher outflows never formed. The International Lake Ontario-St. Lawrence River Board capitalized on the greater flexibility in Plan 2014 to release more water when ice was not forming in January. That said, the difficult and fragile river ice conditions in February and March hindered the Board's ability to release additional water before the rains of April and May set in and the record setting Ottawa River freshet began. Even so, the Lake Ontario level on March 17, 2017 was within a half inch of the level recorded on the same date in 2016. The difference between the years is not because of the plan implemented, but because of the inputs received since mid-March.

The Board has been and continues to act in good faith, with as much foresight as unpredictable weather conditions allow. It has taken appropriate action in consideration of all interests. Since April 28, the Board has utilized its ability to deviate from Plan 2014 exercising its discretion to maximize, to the extent possible, Lake Ontario outflows to limit high levels on the lake while considering the increasing harm that higher outflows would cause to downstream residents along the St. Lawrence River. Prior to April 28, the Board actively managed outflows in accordance with Plan 2014, which maximized winter outflows in consideration of difficult ice formation conditions and then set outflows to balance the rising levels upstream and downstream. The outflows were very similar to those the Board would have released had they still been guided by the previous plan.

As the flows from the Ottawa River into the St. Lawrence have diminished, the Board has steadily increased the outflow from Lake Ontario such that weekly outflows now surpass the previous record maximum. We are greatly relieved to see that with these record setting outflows and the drier weather thus far in June, Lake Ontario and St. Lawrence River levels have begun to decline.

We and our staff are available to you and your staff to further explain the conditions, constraints and hydrology that affects these decisions whenever you would like.

We applaud your action to dedicate \$22 million to assist New York communities, businesses and homeowners to address the devastation that these extreme weather conditions have wrought. We also hope that you use this opportunity to demonstrate your strong leadership to increase and improve coastal resiliency, as you did after Hurricane Irene and Superstorm Sandy, rather than merely repairing the current damages and leaving people vulnerable.

We encourage you to urge everyone to be prepared to live within the full range of lake levels that have occurred historically and of those that may occur in the future. Future climate conditions are uncertain, and even more extreme water levels may be reached and may occur more often, regardless of the regulation plan in effect at the time. The decisions people make when rebuilding after this disaster should be well informed. Our coastal development needs to withstand extreme conditions, which are likely to occur again in the future

Yours sincerely,

A handwritten signature in blue ink that reads "Gordon Walker". The signature is written in a cursive style with a large, sweeping initial 'G'.

Gordon W. Walker
Canadian Section Chair

A handwritten signature in blue ink that reads "Lana Pollack". The signature is written in a cursive style with a large, sweeping initial 'L'.

Lana Pollack
U.S. Section Chair