UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Response and Restoration
Silver Spring, Maryland 20910

September 22, 2006

Beatrice Soila
Department of State
Office of Canadian Affairs
WHA/CAN, Room 3917
Washington, DC 20520

Dear Ms. Soila:

I am writing to you to provide comments on the March 2006 Final Report by the International Lake Ontario-St. Lawrence River Study Board entitled *Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows.* The National Oceanic and Atmospheric Administration's Office of Response and Restoration (NOAA OR&R) carries out NOAA's role as a natural resource trustee by working to restore coastal resources that may have been injured by the release of hazardous substances into the St. Lawrence River watershed, including the Grasse River, the Raquette River, the Mohawk Territory of Akwesasne, and the general Massena area. This office supports the selection of Plan B^+: Balanced Environmental Plan because it improves the feasibility of certain types of restoration that we may seek to implement in the St. Lawrence River watershed and also provides the best opportunity to improve and maintain the ecological habitats of the Upper St. Lawrence River and Lake Ontario.

Background: The International Joint Commission established the International Lake Ontario and St. Lawrence River Study Board in 2000. This initiated the International Lake Ontario-St. Lawrence River Study to assess and evaluate the Commission's 1952 Orders of Approval for Regulation of Lake Ontario (amended in 1956). The Board set forth three guidelines for this study: maximize net benefits, support ecological system integrity, and minimize economic loss. This study evaluated impacts of water level changes on the environment and on recreational, commercial, residential, and industrial interests given future estimates of climate change.

Of the initial options put forward in the study, Plan E: Natural Flow Plan, presented the greatest opportunity for the reinstatement of natural flows, and consequent ecological benefits, by restoring the system to pre-Moses-Saunders Dam level and flow conditions, while limiting ice jams. However, this plan was rejected and not carried forward as one of the final candidate plans. Three candidate plans for regulating Lake Ontario outflows through the Moses-Saunders Dam at Massena, New York and Cornwall, Ontario have been offered for public comment and are detailed in the Study Board's March 2006 Final Report, Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows. These include Plan A^+: Balanced Economic Plan, Plan B^+: Balanced Environmental Plan, and Plan D^+: Blended Benefits Plan.

We support the selection of Plan B^+: Balanced Environmental Plan because it affords the best opportunity from the three remaining candidate plans to improve and maintain the ecological habitats of the Upper St. Lawrence River and Lake Ontario. This plan incorporates greater

fluctuations in water levels than Plans A^+ and D^+ and therefore has the potential to return some of the natural variability to the system. The stabilization of water levels has greatly reduced the extent of wetland habitats in the system, negatively impacting resources they supported. The Environment Technical Work Group (ETWG) suggests that Plan B^+ allows for greater improvement in wetland meadow marsh communities, thereby enhancing fish and wildlife habitats. ETWG estimates that selection of Plan B^+ will increase productivity of approximately 6200 wetland acres, as meadow marsh expands through existing lower value wetlands. We are concerned that selection of Plans A^+ or D^+ could limit our ability to implement restoration projects that require the dynamic changes in water levels present prior to Seaway construction. Implementation of certain types of restoration projects become more feasible with selection of Plan B^+, in particular enhancement of (1) wetlands, (2) aquatic vegetation beds (submerged and floating), (3) spawning habitat for pike and muskellunge and numerous other fish species, (4) breeding bird marsh habitat, and (5) improved muskrat habitat

We agree with the USFWS recommendations to support Plan B^+ as submitted in their letter dated August 25, 2006 (Stilwell 2006). We concur that Plan D^+ provides the least environmental benefit and therefore will not meet the "environmentally sustainable" goal. Plan A^+ provides marginal environmental benefit for few species, and the plan is difficult to assess because of the economic measurements provided. As highlighted by the USFWS, an important NOAA trust resource not addressed is American eel. This species is in decline and has been a dietary component of the highly endangered St. Lawrence Beluga whale population. The effect of water level fluctuations on this species is presently not known. Of the three plans under consideration we agree that Plan B^+ provides the best environmental and economic balance among all the stakeholders.

NOAA is one of several natural resource trust agencies designated under the National Contingency Plan who act on behalf of the public to protect and restore natural resources. NOAA and its co-trustees (the US Fish and Wildlife Service, New York State Department of Environmental Conservation, and the St. Regis Mohawk Tribe) are in the process of assessing injuries to natural resources that have resulted from the release of hazardous substances from the Aluminum Company of America (currently Alcoa West), Reynolds Metals Company (currently Alcoa East), and General Motors Powertrain (formerly General Motors Central Foundry Division) facilities in Massena, New York to the St. Lawrence River and estuary, the Grasse River, the Raquette River, the Mohawk Territory of Akwesasne, and the general Massena area. The Comprehensive Environmental Response, Compensation and Liabiltiy Act of 1980 (CERCLA) and the Clean Water Act (CWA) provide authority for the trustees to restore injured resources on behalf of the public. The Trustees and the Companies are continuing to work together to quantify injury to ecological services (e.g., sediments, fish, birds, terrestrial and aquatic mammals, reptiles and amphibians), recreational fishing, and tribal culture. Remedies have been selected, and at least partially implemented, at these three facilities. As part of this process we will implement appropriate restoration to restore those resources adversely affected by Site releases. The Trustees and the Companies initiated steps in 2005 to identify candidate restoration projects and are preparing to solicit restoration project suggestions from the public. The IJC's decision on water levels and flows in the St. Lawrence Seaway have major implications to the selection, breadth, viability, and sustainability of restoration projects evaluated under this cooperative NRDA process.

In summary, NOAA's Office of Response and Restoration appreciates the opportunity to comment on the three candidate plans and supports the selection of Plan B+. This plan affords the best opportunity to improve habitat through water level and flow modifications and creates better restoration planning opportunities for us as we undertake our trustee responsibility. If you wish to discuss these comments, I can be reached at 301-713-3038 x186.

Sincerely,

Thomas M. Brosnan

Thomas M. Brosnan
Northeast Atlantic Branch Manager
Office of Response and Restoration

cc: Secretary, International Joint Commission
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