

## SUMMARY OF MEETING

### International Lake Ontario – St Lawrence River Study Board

Alexandria Bay, New York  
24-25 August 2005

Board members present were: Gene Stakhiv, Doug Cuthbert, Steven Renzetti, Lynn Cleary, Pete Loucks, Dan Barletta, Andre Carpentier, Marcel Lussier, Frank Sciremammano, Frank Quinn, Al Schiavone for Sandy LeBarron.

Also present were: Tony Eberhardt, Ed Eryuzlu, Elaine Kennedy, Arleen Kreusch, Greg McGillis, Danielle Trudeau, Bill Werick, Wendy Leger, David Fay, Debbie Lee, Russ Trowbridge, Tom McAuley, Murray Clamen, Commissioner Irene Brooks, Luc Lefebvre, Scott Tripoli, Jon Montan, Al Will, Paul Thiebeau, Paul Webb, Larry Field, Henry Stewart, Sandra Lawn, Skip Shoemaker.

Tom Brown, a former member of the Control Board, attended as an observer.

1. Review & Accept Agenda. The agenda (revision – Attachment 1) was accepted with the addition of:
  - Discussion of a Transition Paper prepared by Doug and Bob Metcalfe of the Control Board (as item 7 c),
  - Discussion of a Mitigation Paper prepared by Gene and Diane Segal of the Institute for Water Resources (as item 9 a).
2. Presentation of Final Plan Options by PFEG. Bill provided a handout showing the economic and environmental PI results given an historic time series and average annual net discounted economic benefits under a stochastic time series for five plans. The stochastic series considered autocorrelation of supplies between the St. Lawrence and Ottawa Rivers. The five plans described were:
  - Plan A – a modified Cornell plan developed by Mark Lorie,
  - Plan B – the natural flow plan developed by Debbie Lee,
  - Plan C – a rule curve plan developed by John Ching,
  - Plan D – a modified interest satisfaction plan developed by David Fay,
  - Plan E – a pre-project flow plan.

The improvements made based on internal review by PFEG and from comments made by the public were noted. The revised A, B and D plans showed improvements over the three versions of these plans presented at the summer public meetings.

Although summary information was provided, because the latest “Board Room” was too large to be reviewed by the majority of Board members, the discussion was limited. The PFEG had not yet, but intends to show how the plans perform regarding the impact on wetlands under a stochastic time

series. A smaller “Board Room” will be developed and provided to the Board. It will form the basis of discussions for the next to last Board meeting which will be held in Niagara Falls in September. **(Action Item: Bill Werick)**

The Board requested that 58DD and OntRip3 also be run with both historic and stochastic time series, so that this information can be included in the final report. **(Action Item: PFEG)**

PFEG provided a list of 10 issues that the Board should address prior to the next Board meeting (Attachment 2).

3. Board discussion regarding the information provided by PFEG.

Concerns were expressed regarding the acceptability of flows exceeding 12,000 m<sup>3</sup>/s which occur most frequently with Plan A.

Since the Board Room was not accessible and since refinements are still being made, an absolute deadline of September 13<sup>th</sup> was established for plan modification. The plans will be considered final on that day and submitted to the Board for review prior to the September 20<sup>th</sup> meeting.

**(Action Item: PFEG)**

Frank Sciremammano will work with Bill to develop an additional plan that does not violate the existing Orders of Approval Criteria particularly in terms of exceeding the upper Lake Ontario water level of 75.37 m (Criterion (h)).

**(Action Item: Frank and Bill)**

A “story” will be written by Bill for each plan which will include outflow limits and what the plan is based upon. Summaries will also be provide for Plans A through D and shorter summaries for 58DD, OntRip3, Plan 1998 and Plan E for the final report. In addition to the stories and summaries, specific numbers of properties or reaches impacted by the four candidate plans will be provided. **(Action Item: Bill)**

Since decisions will have to be made by the Board at the September 20-21 Meeting regarding which plans to submit to the IJC as options, it was decided that Neil Fulton will be asked to facilitate the meeting. **(Action Item: Ed – negotiate a contract)**

4. Discussion with members of PIAG.

Marcel gave a brief summary of the summer meetings. A “Summary of Summer 2005 Meetings – Comments Received and Survey Responses” (3-inch binder) was provided by mail to the Board and referred to. A summary document was provided that encapsulated the information contained in that larger report. The summary will be refined and contain rough statistics

regarding meeting attendees and their plan preferences. **(Action Item: Arleen & Greg)**

Letters will be prepared for Gene and Doug by the Secretariats to respond to the numerous letters and resolutions received. **(Action Item: Tony & Ed with Arleen & Greg)**

The 3-inch binder summary will include the disc containing the Power Point presentation used at the meetings, the summary document and the questionnaire and will become part of the public record for the Study. **(Action Item: Arleen & Greg)**

There will be no separate final PIAG Report. However, a section will be included in the Study Final Report which will include:

- Information about the achievements of PIAG referencing the Year1 and 3 Study Reports,
- Summaries regarding the Summer public meetings including possible graphics, and
- Views and recommendations for future public outreach efforts.

**(Action Item: Arleen, Greg, Marcel & Dan)**

Information regarding revised plan results will be included as a stand-alone handout in Ripple 12 – the final Study newsletter. The text of Ripple 12 will be written by the Study Board and will include the Final Report Executive Summary. The newsletter will be mailed in December. It will include a post card listing a Control Board point of contact for future correspondence.

**(Action Item: Communications Committee with assistance from Bill & Wendy)**

The Ripple database will be forwarded to John Kangas and Reg Golding.

**(Action Item: Arleen & Greg)**

All PIAG members were invited to attend the September and October Study Board members as observers.

5. Wrap-up and Actions from discussion of previous day – covered above.

6. Status of Peer Review.

The report from the Committee is being reviewed and additional Canadian reviewers are being sought. The Committee will be contacting Study participants regarding specific questions. The report will be available at the end of September. So far, the Committee has been critical of the lack of environmental documentation.

7. Transitional Issues.

A paper will be prepared proposing how the selected plan will be converted into an operational model. Aspects to considered are:

- Conversion of quarter-month to weekly outflow specification,
- Selection of forecasting options for Ontario supplies, Ottawa and tributary flows, etc.,
- Coordination between Regulation Representative (Reg. Rep.) offices,
- Development of an operations manual,
- Whether 58DD and preproject conditions should be tracked along with the selected option.
- Funding and staffing requirements for the Reg. Rep. offices for conversion to the operational model.

**(Action Item: Tony & David Fay)**

PIAG representatives should meet with Control Board reps. to discuss communication activities and lessons learned **(Action Item: Tony McKenna & Bob Metcalfe)**

The transition paper prepared by Doug Cuthbert and Bob Metcalfe was reviewed (Attachment 3).

#### 8. Deviation and Criteria Discussion.

David Fay gave a presentation regarding the present types of deviations made under Plan 1958D. Some Board members suggested that within-week adjustments should be allowed and that discretionary deviations (like those connected to Criterion (k)) could also be retained but related to a probability of exceedence limit or dollar value. However, after a lengthy discussion, it was decided that a paper would be written with a follow-up Study Board conference call on September 15<sup>th</sup>. The resulting paper and discussion will be included in the Final Report. **(Action Item: Doug, Steven, Lynn, Frank Sciremammano & Elaine with assistance from David)**

Regarding criteria, suggested wording will be taken from the June 9, 2004 "Board Room" and linked to design levels and/or probability exceedence. The wording will be incorporated in a suggested revision to the Orders of Approval. **(Action Item: Bill, David and Wendy with assistance of Frank Sciremammano)**

#### 9. Discussion of Final Report.

The deadline for comments on the latest draft was set for September 15<sup>th</sup>. The following protocol was established for writing and review:

- Writing Team: Tony, Doug, Wendy, Gene and Elaine
- Primary Review Group: Dan, Lynn, David, Pete, Steven and Frank Quinn
- Broader Review: balance of Study Board members, TWG leads and IJC liaison. TWG leads should limit those that review the draft.
- Outside Reviewers (proposed): Gerry Galloway and/ or Alice Chamberlin.

As sections are completed, they will be sent for translation, so that distribution of the report can be made by year's end. An advance copy of the report will be handed to the IJC on October 20<sup>th</sup>.

A section will be included on mitigation, based on a paper being prepared by Diane Segal of Gene's office. The paper is being revised and will include the table generated during the Toronto Board meeting. The paper will be discussed on a Board conference call on September 8<sup>th</sup>. **(Action Item: Gene)**

10. Budget Update.

Except for the approximately \$43,000 in "no year" funding, all U.S. funds will be obligated by the end of September. Obligations include renewal of contracts for U.S. Secretariat public relations staff through December 2005 and office rent through August 2006. The final report will include a summary of funds spent by both countries during the course of the Study through September 2005. A \$20,000 contract was approved for Baird as part of the PFEG Canadian budget. In mid-September, retooling of the Canadian budget will be done to cover all remaining Study items. **(Action Item: Tony & Ed)**

11. Future Study Board Meetings.

- September 20-21: Niagara Falls, Ontario workshop facilitated by Neil Fulton to decide on the final set of plan options and discuss transition activities with the Control Board,
- October 5-6: Montreal meeting to discuss peer review results and final sign-off of Final Report,
- October 20 (8:30 to 10:00 am): Ottawa meeting with the IJC,
- December 6-7: Washington, DC IJC executive session with limited Board attendance.
- Conference Calls: September 8<sup>th</sup> to discuss mitigation and adaptive management and September 15<sup>th</sup> to discuss criteria and deviations.

*Prepared by Tony Eberhardt and Ed Eryuzlu  
August 30, 2005*

Attachment 1

Agenda  
**Study Board Meeting**  
Bonnie Castle Resort - Alexandria Bay, NY  
August 24-25, 2005

**August 24**  
**8:30 am until noon**

- |   |              |
|---|--------------|
| 1. Review & Accept agenda                     | Gene         |
| 2. Presentation of Final Plan Options by PFEG | Bill & Wendy |

**1:00 until 5:00 pm**

- |  |               |
|--|---------------|
| 3. Board discussion regarding the information provided by PFEG   | Study Board   |
| 4. Discussion with members of PIAG:<br>PIAG  | Study Board & |
| a. Brief discussion regarding the summer meetings  |               |
| b. PIAG advise on how to act on input from public meetings –<br>do we pass the information on or do we incorporate it? |               |
| c. Future role of PIAG   |               |
| d.   |               |

**August 25**  
**8:30 am until noon**

- |  |             |
|--|-------------|
| 5. Wrap-up and Actions from discussion of previous day | Gene & Doug |
| 6. Status of Peer Review                               | Russ & Tom  |
| 7. Transitional Issues:                                |             |
| a. Operational aspects of plan options                 | David Fay   |
| b. Staffing and funding issues related to transition   | Russ & Tom  |
| 8. Deviation and Criteria Discussion                   | All         |

**1:00 until 5:00 pm**

- |   |             |
|---|-------------|
| 9. Discussion of Final Report (Sections of Consequence) | Tony & Doug |
| 10. Budget Update                                       | Tony & Ed   |
| 11. Future Study Board Meetings                         | Gene & Doug |
| a. September 20-21: Queenston, Ontario                  |             |
| b. October 5-6: Montreal, Quebec                        |             |
| c. October 18-19: Ottawa, Ontario                       |             |
| d. December 6-7: Washington, DC                         |             |

## Attachment 2

### **Top 10 Issues for the Study Board**

10. Decide on how best to keep engaged and stay in touch over the coming year.
9. Design an effective September workshop and decide if other workshops/conference calls are necessary to ensure a successful completion to the Study.
8. Reflect on adaptive management and what, if anything the Board will send to the IJC.
7. Review FEPS and wetland PI results to affirm Board support and understanding.
6. Reflect on stochastic results to make sure Board supports and agrees.
5. Clear-up issues between facts and perceptions and resolve any disagreements.
4. Define clear mitigation possibilities for each plan if appropriate including how much, who could/should pay and oversee and whether there is willingness to implement.
3. Define operational components of plans including when to deviate and criteria for those deviations.
2. Finalize and agree on Final Report.
1. Develop a summary of findings and agree on key messages and advice to IJC.

## Transition Discussion Paper

### **International Lake Ontario/St. Lawrence River Study Board (SB) International St. Lawrence River Board of Control (CB) International Joint Commission Staff (IJC)**

#### **Purpose**

During the closing months of the Lake Ontario-St. Lawrence River Study in 2005 and through to implementation of a new regulation plan, the “transition” of LOSL Study results and information from the Study Board to the International Joint Commission, to the Commission’s St. Lawrence River Board of Control, and to other agencies must be addressed. This paper is prepared and updated to provide the basis for transition discussions, decisions and actions by the above two Boards and the International Joint Commission.

The focus of “transition” activities is generally restricted to the Study Board, the Commission and its other Boards, and other agencies that have directly related mandates and uses for the study information and knowledge.

Transition issues need to be thoughtfully considered and actions taken in sufficient time to take advantage of Study personnel and resources before they cease to be available – and no later than December 2005.

Some transition issues and actions were identified in initial Study Board/Control Board discussions in 2004. The evolving drafts of this paper draws upon these discussions, and includes actions and issues identified during the November 30-December 1, 2004 Institutional Issues Workshop and the joint Control & Study Boards meeting of June 9, 2005. Actions, timelines and venues are suggested within which the issues should or must be addressed. Agencies or parties that should or might address the issues are identified, and challenges, strategies and possibly cost implications are outlined.

Transition issues and actions have been categorized as follows, recognizing there are overlaps:

- institutional issues;
- transfer of Study knowledge;
- implementation of new criteria and plans; and
- adaptive management.

#### **Credits and Disclaimer**

This paper is produced as a combined effort of the above two Boards, their respective lead authors and liaison staff of the IJC. The statements and opinions expressed are those of the authors and not necessarily those of the Boards and the International Joint Commission. Any mention or reference to statements contained in this paper should not be construed as endorsement by the Boards or the International Joint Commission.

Doug Cuthbert  
Lake Ontario St. Lawrence River Study Board

Bob Metcalfe  
St. Lawrence River Board of Control

Tom McAuley  
International Joint Commission, Ottawa  
Washington

Russ Trowbridge  
International Joint Commission,



## Expected Time Line - Relevant to Transition Issues

		Winter	Spring	Summer	Fall
√ SB/CB joint discussions	2004				Oct 21
	2005		June 9		Sept 21
√ SB/CB/IJC Workshop discussion of Institutional Issues	2004				Nov 30- Dec 1
√CB reps attend Jan '05 SB/PIAG/TWG "Decision" Workshop	2005	Jan 26-27			
√PIAG reps met with CB to share communications strategies, experiences and contact lists		Jan 26			
√SB briefing of CB & IJC on SB '05 public meeting presentation			June 8		
√PIAG/SB '05 public meetings - present Candidate plans to interest groups, the public and agencies in a series of public meetings and briefings throughout the basin.				Jun/July	
SB/CB to discuss outcome of '05 Study public meetings, and final candidate plans					Sept 21
SB to present their final report with findings and options to IJC					Oct 20
IJC/SB/CB to discuss Study recommendations & next steps					Dec 6-8
IJC public hearings	2006				
IJC implementation of new plan	2006				

√ Study Board or Control Board activity or action completed

## TRANSITION ISSUES

### A Institutional – Primarily Commission Considerations

A1 Board of Control membership

- Will the current membership serve the IJC into the future?
- Should the make-up of the board be modified?

A2 Operation Advisory Group membership

- Should the membership include representation from interest groups?

A3 Citizens Advisory Group

- Will an advisory group to the CB be considered?

A4 Cost of transition and expanded activities of CB

- Additional meetings will be required for Control Board members. This may place additional financial burden on supporting agencies.

A5 "Edmonds Report" recommendations

A6 Some form of connection with key Study representatives to serve as advisors after completion of the Study

## PROPOSED ACTION/ACTIVITIES

√A joint SB/CB/IJC workshop on "Institutional Issues" was held on Nov 30-Dec 1, 2004. A workshop report to the Commission dated Jan 19, 2005 was completed and forwarded to the Commission. An IJC decision item.

√Addressed in "Institution Issues" workshop and report. An IJC decision item.

√Addressed in "Institution Issues" workshop and report. An IJC decision item.

IJC could consider/investigate securing of dedicated funding for CB operations. Consideration be given to an agency-independent Board Secretariat. A CB/IJC decision and action item.

√This SB report has been provided to the CB and IJC and was reviewed again at the "Institutional Issues" workshop.

- Mentioned in the Institutional Issues workshop and June 8/05 briefing of IJC.
- IJC have committed to follow-up on this

## TRANSITION ISSUES

## PROPOSED ACTION/ACTIVITIES

### B Transfer of Knowledge

B1 new regulation plans, criteria & major study findings

- CB needs to become familiar with any new candidate regulation plans and criteria.
- The more time the CB has to understand proposed regulation plans and criteria, the easier it will be to transform to and operate under a new plan and criteria.

B2 operation of new plan

- CB needs to be orientated in the operation of any new plan or criteria that are to be implemented.

B3 Shared Vision Model (SVM)

- Will a version of the SVM be adapted for use in regulation strategy decision making process? If so how will it be used?
- Will the SVM be operated by the Regulation Representatives? be available to other groups?
- Do CB members need to become familiar with and use of the operation of the SVM?

B4 Briefings of groups other than the IJC and CB

B5 SB Info Mgmt Strategy re SB databases

- Supporting material for any new or modified criteria.
- Will there be a consistent database?
- Who will manage the data?
- Who will fund this?

B6 "Learning lessons" from the Study Board and PIAG work

action item.

- The Study Team will complete their mandate and be formally disbanded as of December 31/05.
- The Commission is respectfully asking the following study members if they would make themselves available on an as needed basis to assist the Commission in their decision, public hearing and agency consultation processes; (individuals to be identified by IJC).

√Draft SB criteria dated August 2004 were conveyed to CB to assist them in understanding SB direction and CB decisions related to discretionary authority.

√CB attended the Jan 26-27/05 SB workshop.

√SB briefed the CB on Study status and results – June 9/05.

- Joint Board meeting scheduled for Sept 21/05.
- Knowledge transfer workshop centering on environment and coastal work proposed for fall 2005 – leads Sandy LeBarron/NYDEC/Ted Hullar

√June 7-9, 2005 briefing delivered

- Sept 21, 2005 briefing confirmed.
- Further focus on this activity will be required.

- A final version of the SVM describing the selected plan should be operational for the Regulation Representatives and Control Board reference purposes.

- An internet version of the SVM results is to be operational on the SB website (by summer 2005?).

√Target groups were identified, contacted, and briefings delivered i.e., LaMP, NYDEC, etc.

- The SB's website and all Study reports, documents and hard data to be transferred to IJC and/or CB care by December 31, 2005. (ACTION: Greg McGillis, Arleen Kreuzsch, Ed Eryuzlu & Tony Eberhardt)

- PIAG to relay summaries of public meetings to CB and meet with CB to

## TRANSITION ISSUES

## PROPOSED ACTION/ACTIVITIES

share communications strategies, experiences and SB contact list. (ACTION for Fall 2005: Arleen, Greg and PIAG leads)

### C Implementation of New Plan and Criteria

C1 Secure "year 6" funding to enable the Commission to hold public meetings, briefings, and decide on and implement Study results and recommendations.

C2 Conversion of selected plan(s) to operational status

C3 tracking of Lake Ontario Regulation

- No regulation, Plan 1958D, and new plan.
- How long would tracking take place?
- If things don't go as expected, will there be an outcry for change?

C4 Role of the CB will change with implementation of a new plan.

C5 tools to assist the Board in decision making

- What new tools will be available to the Board?
- Facility in using the tools.

C6 Discretionary deviations

- Will the CB still make discretionary deviations from new plan? With a new plan, should these be accumulated and accounted in the same way as those from Plan 1958D, or written off each week?

- Study Managers and IJC liaisons have discussed and are planning this task – to be completed by September 2005.
- Selected regulation plan(s) will require translation from SVM status to operational format. The expertise to do this resides in the CB's Reg Rep offices. Time and resources will be required for this work. Reg Reps and PFEG staff have initiated this work – summer 2005.
- To be the subject of SB discussion and reporting to IJC.
- Consultation with CB to take place in September 2005.
- To be addressed in SB final report and subsequent Dec 6-8 IJC/SB/CB discussion
- Should be addressed in the SB final report to the Commission and in Sept 2005 CB/SB discussion.
- To be the subject of SB discussion and reporting to IJC.
- Consultation with CB initiated on June 8/05 and to continue in Sept 2005.

### D Stakeholder - Acceptance & Understanding

D1 decision support & strategies

- PIAG members and other agencies and interest groups involved in the LOSL Study should be closely plugged into implementation of Study results and CB decisions/operations.

D2 makeup of public meetings

- A need identified for a public ombudsmen function.

D3 improving communication with stakeholder groups

- We are not always able to get the correct material out in an effective and timely manner.
- Obtaining valued input.
- More proactive and focused dissemination of information to

√Addressed in "Institutional Issues" workshop and report. This is a future IJC and CB action item.

√Also discussed in "Institutional Issues" workshop report.

- Can be mentioned in final SB report – ultimately a funding and operational issue subject to IJC and CB decision.
- Will need to review/revise the CB's Communications strategy

## **TRANSITION ISSUES**

the public is required.

## **E Adaptive Management**

E1 Monitor new plan performance and identification of triggers and timelines for future possible changes in criteria and the regulation plan

E2 how to implement further new changes

E3 Agreements on necessary agency relationships (LaMP, etc.)

E4 Who will be the technical experts to be involved in recommendations for adaptive management, esp. environment? Role of states? USGS with their biological folks?

E5 Where's the bilateral budget?

E6 Mitigation

- Will there be recommendations coming from the SB and IJC call for mitigation to alleviate some problems, rather than flow regulation? If so how to implement?

E7 Incorporating state-of-the-art hydrologic forecasting.

E8 Ensure a differentiation between deviation and adaptation.

## **PROPOSED ACTION/ACTIVITIES**

- PIAG to arrange to transfer their contact list to the CB. ACTION for Fall 2005: Greg and Arleen.

- SB needs to propose how to do this, including linkages with monitoring programs and responsible agencies, and incorporate this information into their final report.

- SB to propose actions in final report

- SB to propose actions in final report.

- IJC/CB to take active role in putting agreements in place.

- SB to address and propose.

- SB can propose.

- IJC and CB will need to resolve.

- SB has decided to consider regulation plan options that would require mitigation, and suggest in their final report how mitigation might be implemented. The decision on implementing a plan requiring mitigation is a Commission issue, with implementation being an IJC/CB issue.

- The SB will incorporate new forecasting technology in recommended regulation plan options – with the flexibility to further upgrade this component of the plan(s) as new science and technology develops.

- SB is addressing and will incorporate in final report.