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May 21, 2019

Hon. Letitia James, New York State Attorney General
The Capitol
Albany, NY 12224-0341

Re: Request for Lawsuit against Federal Government

Dear Attorney General James:

Given your demonstrated interest in suing the federal government, I would like to draw your attention to an issue where I feel litigation against the United States Government is necessary.

As you may know, the International Joint Commission (IJC) is a binational regulatory agency that oversees the waters between the United States and Canada. In December of 2016, the IJC approved the controversial "Plan 2014," which allowed for greater fluctuation in Lake Ontario's water levels by different regulation of dam outflows. By the IJC's own admission, flooding would worsen under the plan. Despite substantial outcry from lakeshore communities and officials, the plan was implemented, and the effects were felt shortly thereafter.

The spring and summer of 2017 saw record-high water levels in Lake Ontario, leading to widespread flooding and damages to New York State homes, businesses, and infrastructure along the Lake's southern and eastern shores. To assist those afflicted by flooding, the State Legislature set aside \$90 million in the 2018 state budget. Claims from homeowners, businesses, and municipalities immediately exceeded that figure – putting the true cost of the 2017 flood to New Yorkers significantly higher.

After the 2017 flooding, Lake Ontario-region legislators were determined to prevent this from happening again. We publicly criticized Plan 2014 and called for its repeal. We introduced legislation to alleviate the cost of flood-preventing shoreline resiliency infrastructure. Rep. Chris Collins worked with the Trump administration to get new American members confirmed to the IJC, and we continually urged the federal government to intervene and stop this disastrous Plan.

However, our calls for help have fallen on deaf ears. I regret to report that Lake Ontario is again rising to record levels, and our communities are currently experiencing flooding. This is posing a number of significant risks to New York State.

Properties are being damaged or ruined entirely. Wastewater treatment plants are well over capacity, posing grave risks to our community's health and environment. Lakeside towns are closing their beaches and boat launches, severely hindering their appeal to tourists. Roads and infrastructure are damaged and blocked.

Simply put, the federal government's action on the IJC has wreaked havoc on Upstate New York, but the federal government has done nothing to correct their error, and has hardly provided any financial assistance to those impacted by the flooding.

I respectfully request that you file a lawsuit against the U.S. Government to recover a monetary sum for damages incurred by New Yorkers due to the federal government's actions. Please let me know if you have any questions and I look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Ort". The signature is stylized with a large, sweeping initial "R" and a long horizontal stroke at the end.

Robert G. Ort
Senator, 62nd District

CC:

Assemblyman Michael Norris
Assemblyman Steve Hawley
Assemblyman Angelo Morinello