

Approved April 14, 2004

**MINUTES  
INTERNATIONAL JOINT COMMISSION  
EXECUTIVE MEETING  
Ottawa, Ontario  
February 10-12, 2004**

The International Joint Commission met in executive session at the Canadian Section office in Ottawa, Ontario on February 10 -12, 2004, with Chair Herb Gray in the chair.

**COMMISSIONERS**

Herb Gray	Chair, Canadian Section
Dennis Schornack	Chair, U.S. Section
Robert Gourd	Commissioner, Canadian Section
Jack Blaney	Commissioner, Canadian Section
Irene Brooks	Commissioner, U.S. Section
Allen Olson	Commissioner, U.S. Section

**HEADQUARTERS STAFF**

Murray Clamen	Secretary, Canadian Section
Lisa Bourget	Secretary, U.S. Section
Helen Kay Austin	Ecologist, U.S. Section
Edward Bailey	Engineering Adviser, Canadian Section
Frank Bevacqua	Public Information Officer, U.S. Section
Valerie Brunette	Executive Asst to the Secretary & Cmrs., Canadian Section
James Chandler	Legal Adviser, U.S. Section
Nick Heisler	Special Adviser to the Chair, Canadian Section
James Houston	Environmental & Informatics Adviser, Canadian Section
Rudy Koop	Research Adviser, Canadian Section
Fabien Langellé	Public Affairs Adviser, Canadian Section
Ann MacKenzie	Economics Adviser, Canadian Section
Tom McAuley	Engineering Adviser, Canadian Section
John Nevin	Senior Policy Adviser, U.S. Section
Russ Trowbridge	International Adviser, U.S. Section
Michael Vechsler	Legal Adviser, Canadian Section

**GREAT LAKES REGIONAL OFFICE STAFF**

Gail Krantzberg	Director
Peter Boyer	Senior Scientist
Marty Bratzel	Senior Scientist
Mark Burrows	Senior Scientist
Jennifer Day	Public Information Officer
John Gannon	Senior Scientist

Bruce Kirschner            Senior Scientist  
John McDonald            Senior Scientist

## APPROVAL OF THE AGENDA

1. The Commission approved the agenda (reflected by these Minutes) with the addition of the following items under Other Business:

- a. Lake Superior Peaking and Ponding
- b. Lake Metigoshe
- c. St. Clair River spill

and under Appointments:

- d. the reappointment of Dr. Frank Sciremammano as a U.S. member to the International St. Lawrence River Board of Control.

## MINUTES

2. The Commission approved the Minutes of the December 9 - 11, 2003 executive meeting held in Washington, DC.

## APPOINTMENTS

3. The Commission:

- **St. Croix River Board, U.S. Section**  
noted the previously approved appointment of Ms. Barbara Blumeris as Acting Co-chair until the return of Colonel Tom Koning in August 2004;
- **Lake Ontario-St. Lawrence River Study Board, Canadian Section**  
approved the re-appointment of Mr. Marcel Lussier as Canadian Co-chair of the Public Information Advisory Group (PIAG) and as a member of the Board for a term ending December 31, 2005;
- **International St. Lawrence River Board of Control**  
approved the re-appointments of Brigadier General Hawkins as the U.S. Co-chair, Dr. Frank Sciremammano as a U.S. member and Mr. Peter Yeomans and Mr. Bob Metcalfe as Canadian members, all for three-year terms ending February 2007;
- **Health Professionals Task Force**  
approved the re-appointment of Dr. Abelsohn as Canadian Co-chair and Drs Buka, Gibson, Gosselin and Sanborn as Canadian members and Dr. Peter Orris as U.S. Co-chair and Drs. Brodtkin, Hicks and Dellinger as U.S. members with terms ending November 2005.
- **Great Lakes Water Quality Board Membership**  
having received an oral report from the WQB Co-chairs in response to its letter of February 6, 2004 concerning expanding membership to include the perspectives of municipal and other government authorities, accepted the advice of the Board to expand membership by two and approved the new U.S. membership position be filled by Mr. David Ullrich of the Great Lakes Cities Initiative, and requested that the Board provide a letter documenting its advice, which the Co-chairs agreed to do.

## **SPRING SEMI-ANNUAL MEETING APRIL 19-23, 2004, WASHINGTON, DC**

4. The Commission considered options for the Board appearances agenda and approved the various Great Lakes Control Boards appearing on Tuesday, April 20, the Great Lakes Water Quality Agreement Boards appearing on Wednesday, April 21 and the Health Professionals Task Force not appearing.

## **DIRECTOR'S REPORT**

5. Commissioners accepted the Director's report dated January 28, 2004, but noted that a hiring freeze existed within the Commission for the Windsor office, not for the U.S. Government as stated in that report.

## **COMMISSION PROCEDURES AND POLICIES**

6. Commissioners approved with minor changes the *Policy on Conflict of Interest from Outside Activities* and the *Publications and Presentations Procedure* and agreed the Policy and the Procedure should be distributed to staff in the three Commission offices.

## **2005 BIENNIAL MEETING ON GREAT LAKES WATER QUALITY**

7. The Commission considered options for the date and location of the 2005 Biennial Meeting and approved a spring meeting at Queen's University in Kingston, Ontario and agreed that staff should report further on details at the April 2004 executive meeting.

## **GREAT LAKES WATER QUALITY AGREEMENT (GLWQA) REVIEW ADVICE**

8. The Commission received an oral report on the Binational Executive Committee (BEC), Wingspread and Science Advisory Board meetings, as well as information on other organizations' public consultation activities and, following discussions with Messrs. John Mills and Tom Skinner, Co-chairs of the Great Lakes Water Quality Board (WQB) and BEC:

- a. agreed to accept the WQB's advice that the WQB would:
  1. bring to the IJC by end of March a set of principles that Commissioners could consider transmitting to governments, and
  2. compile by early summer from available information a list of possible activities (including who might carry out or assist with those activities) that could inform governments' review.
  
- b. further agreed regarding its own actions surrounding the GLWQA review:
  1. to attend others' meetings to remain informed
  2. to accept BEC's invitation to participate on its GLWQA review scoping committee
  3. to set up a web-based discussion chain and consider other techniques to obtain information from the public
  4. to develop broadly-based contact lists to include nontraditional groups
  5. staff should further develop a consultation plan, in accordance with the Commission's Declaration and considering governments' evolving plans and schedule, including consideration of:
    - i. issuing a first report (of a possible series) to governments in the summer of 2004
    - ii. holding a limited number of Commission meetings during the GLWQA review phase (Phase 2) regarding the substance of the review.

- c. and further agreed, concerning draft text circulated at the Wingspread Conference on the GLWQA and provided separately to Commissioners, that staff should draft a response pointing out any obvious inaccuracies.

## **12<sup>th</sup> BIENNIAL REPORT**

9. Commissioners considered the draft text and agreed:

- a. to meet in Washington, DC on March 4, 2004 to discuss a further draft of the report that incorporates the chapter authors' review of the style edit.
- b. that the revised draft should be sent to Commissioners at least 10 days in advance of this meeting.

## **IJC 2003 ANNUAL REPORT**

10. The Commission discussed the draft IJC 2003 Annual Report and approved issuing an Annual Report in 2003 and agreed that:

- a. Commissioners and staff should submit comments on the draft text to communications advisers by Friday, February 20;
- b. the format and quality of the publication would be similar to the 2002 Annual Report.

## **IJC FOCUS NEWSLETTER**

11. The Commission discussed the proposed electronic distribution plan for FOCUS and approved the plan.

## **ST. MARY-MILK RIVERS**

12. The Commission received a briefing by the Field Representatives (in person) and the Accredited Officer for Canada (by teleconference) on the St. Mary Milk Order under Article VI of the Boundary Waters Treaty, considered the letter of January 6, 2004 from Montana Governor Martz, as well as letters from Alberta and Saskatchewan and other information raising several issues regarding water use and apportionment and planned water projects in the St. Mary and Milk River basins, and agreed that:

- a. in light of this information and the Commission's responsibilities under the Boundary Waters Treaty of 1909, to hold a series of public consultations in the area, likely in the latter part of July or early August, to help the Commission decide how to proceed on the matters that have been raised;
- b. staff should address the costs and logistics of such consultations, with at least one Commissioner from each country at each meeting;
- c. staff should draft letters to the Canadian Department of Foreign Affairs and U.S. Department of State as well as the state of Montana and the provinces of Alberta and Saskatchewan and the Accredited Officers informing them of these consultation meetings.

## **GRAND COULEE DAM**

13. The Commission considered the January 20, 2004 email communication from the Canadian Columbia River Inter-tribal Fisheries Commission (CCRITF) and agreed that:

- a. it would be premature to decide on whether or not to hold hearings on this matter until the Government of Canada replied completely to the Commission's letter of June 17, 2003 concerning the status of the CCRITF;
- b. staff should remind the Department of Foreign Affairs that a complete reply has not yet been provided.

## **INFRASTRUCTURE SECURITY**

14. Commissioners discussed a possible update of the Commission's 1998 "Unsafe Dams?" Report and agreed that staff should determine what changes have occurred since the 1998 report, and add to the report the ice booms in the St. Lawrence River and at the outlet of Lake Erie as well as the infrastructure used in the apportionment of the St. Mary and Milk River Basins, with a view to possibly updating the report.

## **WATER USES REVIEW REFERENCE**

15. Commissioners discussed the draft report and agreed that lead staff should prepare a new joint draft which addresses each recommendation in the earlier report.

## **INTERNATIONAL SOURIS RIVER BOARD MANDATE EXPANSION**

16. The Commission agreed that if a reply from governments to the Commission's letter of December 8, 2003 proposing an action plan for achieving an enhanced mandate for the Board was not received by the April semiannual meeting, governments should be reminded by that time.

## **ST. CLAIR RIVER DREDGING**

17. The Commission noted that replies have been received from both governments to the Commission's letter of October 16, 2003 on the Georgian Bay Association (GBA) request to implement the 1918 IJC Order of Approval and agreed that:

- a. staff should draft a letter to GBA providing the replies received from both governments and noting that further modeling is being performed by the U.S.
- b. a letter should be sent to U.S. State Department looking forward to the results of the modeling.

## **BASIN COUNCIL INITIATIVE/WATERSHED BOARDS REFERENCE**

18. Commissioners received an update on consultations in the Red and St. Croix River Basins and agreed to discuss at the April executive meeting what the Commission means by a watershed board given progress in various basins to date and to consider short-term funding support for Boards, and noted that:

- a. in the St. Croix basin, Commissioners and members of the International St. Croix River Board would be meeting with senior officials from Maine and New Brunswick on March 31, 2004 to familiarize them with the IJC, explain the International St. Croix Board's responsibilities and to encourage state and provincial support for mutually beneficial activities;
- b. in the Red River basin, the Commission's International Red River Board (IRRB) would continue to cooperate with the Red River Basin Commission (RRBC), and agreed that the Commissioners would discuss with the IRRB at the April 2004 semiannual meeting the issue of the IRRB Co-chairs being observers to the RRBC.

## RED RIVER NUTRIENT OBJECTIVES

19. The Commission received an update on the request by Manitoba to the Commission's International Red River Board (IRRB) asking the IRRB to establish nutrient objectives for the Red River at the international boundary and approved a letter to the IRRB asking the Board to provide a timetable for the response to Manitoba as well as some background on the issue of nutrient objectives for the Red River.

## LAKE ONTARIO-ST. LAWRENCE RIVER STUDY BOARD DATA MANAGEMENT

20. The Commission discussed the information management needs of the study and agreed that a session on data management should be added to the agenda of the March 11 special seminar on the study and that the matter should be further discussed at the April semiannual meeting in executive and with the Board as well as with governments to make them aware of the potential funding needs.

## UPDATES

21. The Commission received oral updates on the following issues and noted that:

a. **Great Lakes Water Levels**

Great Lakes water levels are all below average with the exception of Lake Ontario and that summer 2004 is forecasted to be the seventh year of below-average water levels on Lakes Michigan-Huron, but with levels slightly higher than last year.

b. **Devil's Lake**

US Secretary of State Colin Powell has written to LtG Robert Flowers indicating that the proposed federal outlet project will not violate the Boundary Waters Treaty as the plans assume no biota of concern in the lake not already present in downstream systems and contemplate confirmation of this assumption through a biota survey prior to completion of the outlet, and noting that the outlet plans and authorization for the project assume there will be no inlet into Devils Lake from the Missouri River basin. Secretary Powell also urged that Canada be invited to participate in the biota survey and that the survey address issues related to the additional load of mercury.

c. **Missisquoi Bay**

Governments have not yet replied to our letter of May 30, 2003 and it was agreed that staff should remind governments in a followup letter that a reply is expected.

d. **6<sup>th</sup> INBO World General Assembly**

Commissioner Gourd and Secretary Clamen made a presentation at the Assembly on the work of the IJC which generated considerable interest and that the next World Assembly will be in 2006 in Budapest.

e. **Red River Basin Meetings**

this item had been discussed under item 19b.

f. **IMO Convention**

Canadian and U.S. delegates' positions with respect to the draft IMO convention are very similar. The Canadian Council of Fisheries and Aquaculture Ministers' Aquatic Invasive Species Task Group had invited the Commission to attend the February 26, 2004 preconsultative meeting to discuss the draft Canadian National Plan to address the threat of aquatic invasive species and that Jim Houston (Canadian Section), Mark Burrows (GLRO) and possibly Commissioner Gourd would attend.

## OTHER BUSINESS

22. The Commission discussed the following issues:

a. ***13<sup>th</sup> International Conference on Alien Invasive Species, September 19-23, 2004, Ennis, Ireland***

The Commission approved the request of \$5,000US for sponsorship as well as participation in the event to the greatest extent possible, and agreed that Secretaries should provide further details on costs and attendance at the April executive meeting.

b. ***Friends of the Earth Request for Support (Dead Sea Proposal)***

The Commission considered the draft proposal "Sharing the Experiences of the International Joint Commission with Decision-Makers in the Middle East" from the Friends of the Earth (FoE) and agreed to support the proposal in principle, with conditions as discussed, emphasizing binationality and non-IJC funding and placing reasonable limits on the Commission's resources burden as well as having a meeting with FoE to discuss Commissioners' concerns with a view to modifying the proposal.

c. ***International Association for Great Lakes Research (IAGLR)***

The Commission approved continuing sponsorship of \$1,000US to IAGLR

d. ***Agency for Toxic Substances and Disease Registry (ATSDR), Draft Report on the Public Health Implications of Hazardous Substances in the Twenty-Six U.S. Great Lakes Areas of Concern***

The Commission received a briefing on the above-mentioned draft Report from William Cibulas (in person) and Chris DeRosa (by teleconference) and agreed that the report should be brought to the attention of the Health Professionals Task Force and the Science Advisory Board as well as Health Canada to see if similar work is being done in Canada, that the IJC would assist in disseminating the ATSDR report following peer review, and that the Chairs would write to ATSDR thanking them for their efforts.

e. ***Meeting with Mr. Rick Findlay, Pollution Probe***

The Commission received an oral report from Chair Gray on his meeting with Mr. Rick Findlay of Pollution Probe on its proposal for the Great Lakes Round Table and noted that Mr. Findlay indicated he will do further work on his proposal.

f. ***Peaking and Ponding: International Lake Superior Board of Control***

The Commission approved the Public Notice releasing the Board's report to the public and informing it that the IJC is considering an extension of two years for the power entities to conduct peaking and ponding operations subject to the Board's supervision, and requesting the public to provide any comments by March 12, 2004.

g. ***Lake Metigoshe***

The Commission agreed to provide a copy of the November 13, 1997 Commission letter to DFAIT, and the government of Canada responses, to the US State Department for its use in pursuing the matter with the state of North Dakota.

h. ***St. Clair River Spill***

The Commission noted reports of the recent spill in the St. Clair River and agreed that staff should obtain further details for consideration as an issue in the 12<sup>th</sup> Biennial Report on GLWQA.

Murray Clamen  
Secretary  
Canadian Section

Elizabeth C. Bourget  
Secretary  
U.S. Section