

46-1-3.3
(46)312-2

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF THE CITY OF SEATTLE FOR
AUTHORITY TO RAISE THE WATER LEVEL OF THE SKAGIT RIVER
APPROXIMATELY 130 FEET AT THE INTERNATIONAL BOUNDARY BETWEEN
THE UNITED STATES AND CANADA

S U P P L E M E N T A R Y O R D E R

Washington, D.C.

April 14, 1983

WHEREAS by a Supplementary Order of April 28, 1982, the Commission ordered the City of Seattle to maintain the level of the Skagit River at the International Boundary at or below elevation 1602.5 feet for a period of one year from the date of the said Order;

WHEREAS by the said Supplementary Order, the Commission appointed a Special Board, known as the Joint Consultative Group and chaired by Commissioners Olson and Bulen, to co-ordinate, facilitate and review on a continuing basis, activities directed to achieving and implementing a negotiated, mutually acceptable agreement between the City of Seattle and the Province of British Columbia;

WHEREAS the Commission has heard the report of Commissioners Olson and Bulen, Chairmen of the Joint Consultative Group, stating that under the auspices of the said Joint Consultative Group, meetings have been held between the City and the Province during the course of 1982 and 1983, at which meetings representatives of the Governments of Canada and the United

States participated, and which have resulted in a negotiated solution set forth in a Framework For Agreement between the City and the Province, signed by representatives of the City and the Province at Ottawa on February 4, 1983 and accepted by representatives of the Governments of Canada and the United States for recommendation to those Governments;

WHEREAS the said Framework For Agreement meets the conditions of the decision set out in the Commission's said Supplementary Order that in light of the views of the Governments of Canada and British Columbia and the Commission's responsibility under the Boundary Waters Treaty of 1909 to prevent disputes, and under present circumstances, the Canadian Skagit Valley should not be flooded beyond its current level provided that appropriate compensation in the form of money, energy or any other means is made to the City for the loss of valuable and reliable source of electric power which would result if the Ross Dam project is not completed;

WHEREAS the Commission has stated that the participation of the Governments of Canada and the United States in this matter is required in order to facilitate both the planning and completion of domestic regulatory and legislative actions and bilateral arrangements that will be required to implement any negotiated settlement;

WHEREAS the Commission has now received representations from the Governments of Canada, the United States, British Columbia, and the City of Seattle requesting additional time for purposes of accomplishing formal acceptance of and initiating procedures that would permit the full and effective operation of the Framework For Agreement.

THEREFORE the Commission decides as follows:

1. The Report of Commissioners Olson and Bulen, Chairmen of the Joint Consultative Group, is approved as filed with the Commission.


2. The Joint Consultative Group shall continue to perform the functions entrusted to it by virtue of the said Supplementary Order in order to facilitate the implementation of the necessary procedures allowing the said Framework For Agreement to become fully operative;

3. The Governments of Canada and the United States are requested to take the necessary measures to ensure the entry into force of said Framework For Agreement, in particular, to continue to collaborate with the Joint Consultative Group on the preparation of a Canada-United States treaty to be known as the Bulen-Olson Treaty, to sanction the said Framework For Agreement and to provide for the necessary mechanisms and assurances regarding its operation;

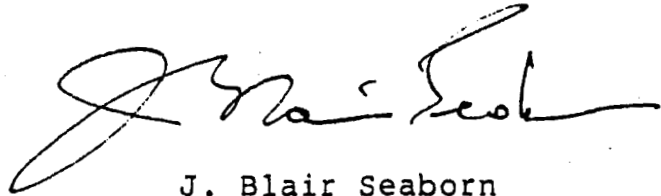
4. The period of one year contained in the said Supplementary Order is extended to July 1, 1983;

5. The Commission retains jurisdiction over the subject matters of its 1942 Order of Approval and its said Supplementary Order and may make such further order or orders relating thereto as may be necessary in the judgment of the Commission.

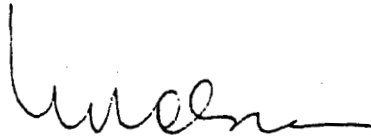
Dated at Washington, D.C., April 14, 1983.



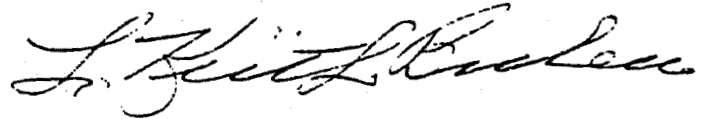
Robert C. McEwen



J. Blair Seaborn




E. Richmond Olson



L. Keith Bulen



Donald L. Totten



Charles Bedard