



Canada

Ottawa, Ontario
K1A 0G2

February 21, 1977

Dear Mr. Chance,

The Governments of Canada and the United States wish to thank the International Joint Commission for its comprehensive report entitled "Further Regulation of the Great Lakes", prepared in response to the Reference from the Governments dated October 7, 1964, and the Commission's letter of clarification of November 2, 1976.

The Governments have responded to a number of the Commission's recommendations by the accompanying new References of even date, and a letter concerning jurisdictional questions with respect to the Orders of Approval governing the Lake Superior control works. The new References relate to the Commission's recommendation for investigation of a scheme of limited regulation of Lake Erie, the effects of existing or proposed diversion within, into or out of the Great Lakes Basin, and the effects on levels and flows of consumptive uses of the waters of the Basin.

The Governments wish in this letter to address procedural matters in light of the accompanying References, and to respond to certain other recommendations of the Commission in its Report.

1. New Institutional Arrangements

The Governments recognize that the objective of enhanced systemic study suggests the need for improved bilateral institutional machinery under the aegis of the Commission. The Governments agree that the Commission's activities related to Great Lakes levels should be carried out with the fullest opportunities afforded for public scrutiny, comments and participation. The Governments also note with satisfaction the intention of the Commission to provide for full participation by the Great Lakes states and provinces. Further to the Governments' letters of October 1 and 18, 1976, the Governments are considering such possible institutional arrangements, with a view towards making early specific recommendations to the Commission.

Mr. D.G. Chance,
Secretary, Canadian Section,
International Joint Commission,
Suite 850, Burnside Building,
151 Slater Street,
OTTAWA, Ontario.

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2. Adequacy of the Great Lakes Technical Information Network

The Commission recommended that it be authorized to make a study of the meteorological, hydrologic and hydraulic network in the Great Lakes Basin in order to design the necessary improvements and monitor the operation of the system. The Governments agree that there may be room for improvement in the present network for collection of such data in the Great Lakes Basin. In order to assist the Governments in improving this network, and pursuant to Article IX of the Boundary Waters Treaty of 1909, the Commission should bring to the attention of Governments unmet needs discovered in the course of its activities, both in comparable data methodology, and collection and exchange of information. The Commission should coordinate its efforts in this area with the bilateral Coordinating Committee on Great Lakes Basic Hydraulic and Hydrologic Data. The Governments extend the customary assurances related to support and funding for such activity under reference.

3. St. Marys River Control Works and Sport Fishery

The Commission also recommended that the Governments improve the existing control works on the St. Marys River in order to permit safe operation, including operation under winter conditions. Related to the foregoing was a recommendation that Governments provide for the construction of remedial works which are required to maintain the sport fishery in the St. Marys River.

The Governments recognize the need for maintenance of and improvements to the St. Marys control works. The United States Army Corps of Engineers and the Canadian Department of Public Works, on behalf of the International Lake Superior Board of Control, have jointly developed a program of "non-destructive testing" of the existing control works to determine the extent and cost of structural improvements which may be required.

The Great Lakes Power Company, which owns and operates the control works on the Canadian side, and the Lake Superior Board of Control have discussed the proposed testing programs and the Company's emerging plan for hydroelectric redevelopment. Further discussions will be necessary, and the Commission, through the Board, should continue to report on developments to the Governments.

Both Governments are also keenly aware of the need to maintain and protect the sport fishery in the St. Marys Rapids. Consideration will be given in any proposed power redevelopment plans on the Canadian side to carrying out measures necessary to maintain the fishery.

4. Refinement of Existing Regulation Plans

The Commission has concluded that the Great Lakes already possess a high degree of natural regulation and that only a limited reduction in the range of water levels is practicable. In this context, the Governments have taken note of and encourage the intention of the Commission to continue efforts to refine the Lake Ontario regulation plan, taking into account recent experience and the Canada-Quebec study, and studies to meet the new objective for regulation of Lake Superior. The Governments anticipate that such activity, considered by Governments to be founded upon the Commission's regulatory authority over the respective Lake control works, will be coordinated as appropriate with studies under the accompanying Lake Erie Reference.

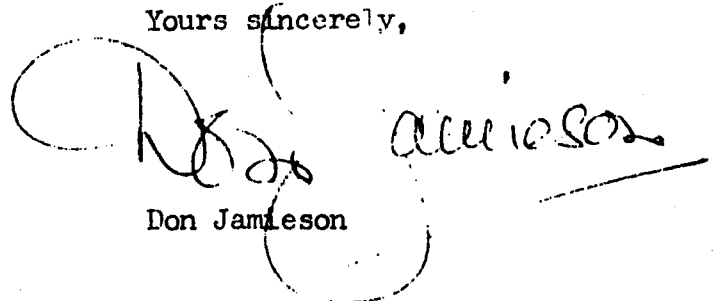
5. Commission Recommendations Concerning Land-Use Regulation
Compatibility and Coordinated Shoreline Erosion Study

The Commission has concluded that careful planning of land-use is needed to protect both present and future activities along the shoreline of the Basin against the effects of extreme water levels. In recommendations 4 and 5, the Commission has recommended compatibility in shoreline use regulation and coordination of erosion studies. In the Governments' view, proper planning along the shoreline is the key to long-term reduction of damage.

The Governments will respond at a later date with a review of efforts of jurisdictions in both countries with regard to land-use regulation and shoreline erosion study, and anticipate that the Commission will be asked to provide recommendations to Governments on further means of promoting these ends.

A similar letter is being sent to the United States Section of the Commission by the United States Department of State.

Yours sincerely,



Don Jamieson