

The Secretary of State for External Affairs



Secrétaire d'Etat aux Affaires extérieures

Canada

Ottawa, Ontario
K1A 0G2

April 15, 1977

Dear Mr. Chance,

I refer to the letters of the Governments of Canada and the United States of February 21, 1977, which thanked the International Joint Commission for its comprehensive report entitled "Further Regulation of the Great Lakes" (hereinafter "the Report") and outlined to the Commission their responses to this Report. In these, the Governments recognized that the objective of enhanced systemic study of the Basin suggests the need for improved institutional arrangements to deal with certain matters related to Great Lakes levels, under the aegis of the International Joint Commission.

The Governments have given careful consideration to the Commission's suggestion, contained in the Report and clarified in its letter of November 2, 1976, that there is a need for a new institutional mechanism to coordinate and implement Great Lakes system-wide regulation of levels. They have concluded that since the existing boards of control already have continuing contact with one another and share common members, they are capable of appropriate coordination of their efforts, under the Commission's direction, to promote the objective of systemic regulation under present circumstances, consistent with applicable Orders of Approval. The Governments are concerned that an additional levels regulation board, interposed between the existing boards of control and the Commission, would produce confusion about areas of responsibility and contribute to unnecessary expense. As for the various study responsibilities the Commission envisaged for a new levels board in the letter of November 2, the Governments, as noted in their letters of February 21, believe that the development of new or improved regulation plans for Lakes Superior

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... 2

and Ontario should be carried out by the existing boards of control. The Governments understand that the Commission may establish new, separate boards to carry out the References to the Commission on limited regulation of Lake Erie, and consumptive uses and diversions conveyed under cover of the Governments' February 21 letters.

The Governments, however, have agreed, pursuant to Article IX of the Boundary Waters Treaty of 1909, to request the Commission to establish an advisory board to assist it in obtaining information regarding a number of matters which are related to the Commission's continuing responsibilities regarding Great Lakes water supplies, levels and flows. In this connection, such a new Great Lakes water levels advisory board could assist the Commission in notifying the Governments regarding the following matters which might have a significant impact on Great Lakes Basin water supplies, levels and flows:

1. Structural alterations and dredging for navigation or other purposes;
2. Proposed programs of winter ice management for navigation or other purposes;
3. Potentially significant weather modification activities.

The board might assist the Commission in providing Governments with advice and recommendations on:

1. Unmet needs in data collection, comparable data methodology, and exchange of information with respect to the Great Lakes meteorological, hydrologic and hydraulic network in connection with the Reference presented in the Governments' letters of February 21, 1977; and
2. Practicable methods of increasing public awareness of and involvement in issues concerning Great Lakes supplies, levels and flows.

Should the Commission notify the Governments regarding any of the above matters, the Governments will consult and consider whether further activity of the Commission is desirable pursuant to a subsequent Reference.

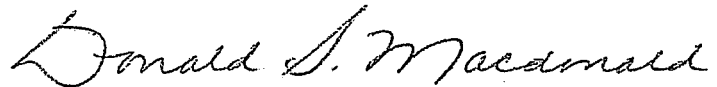
In considering such matters, the new advisory board should take full advantage of the work already done or being done by existing boards dealing with Great Lakes matters, whether related to water levels or water quality. The Governments wish to reaffirm their support of the Commission's intention to provide for appropriate participation by the Great Lakes states and provinces in the important work of the Commission relating to levels of the Great Lakes.

The October letters of the Governments to the Commission also commented on the Commission's proposal of an experimental public advisory panel to be attached to the International St. Lawrence Board of Control. The Governments observed at that time that enhanced public participation would be better achieved through attaching such a public advisory panel either to the Commission itself or to a new board with basin-wide responsibilities. In view of the Governments' conclusion that the Commission should establish a new water levels advisory board specifically designed to advise the Commission on basin-wide water levels matters, the Governments believe that greater public participation, which they agree is both desirable and essential, could be secured through the agency of this new advisory board. To this end, terms of reference for the advisory board, as outlined above, specifically request it to consider practicable means to improve public awareness of and involvement in matters related to Great Lakes supplies, levels and flows.

The Governments extend the customary assurances regarding support and funding as provided in the References submitted on February 21 to the activity contemplated by this Reference.

An identical letter is being sent to the United States section of the Commission by the United States Department of State.

Yours sincerely,



Donald S. Macdonald,
Acting Secretary of State
for External Affairs.