



United States Department of State

Washington, D.C. 20520

August 1, 1986

Mr. David LaRoche  
Secretary, U.S. Section  
International Joint Commission  
2001 S. St., N.W.  
Washington, D.C. 20440

Dear Mr. La Roche:

I have the honor to inform you that the Governments of the United States of America and of Canada, pursuant to Article IX of the Boundary Waters Treaty of 1909, have agreed to request the Commission to examine and report upon methods of alleviating the adverse consequences of fluctuating water levels in the Great Lakes-St. Lawrence River Basin. In doing so, the Governments acknowledge previous Commission reports on regulation of Great Lakes levels, which have encouraged appropriate jurisdictions to institute improved shoreline management practices.

The Governments note that the previous reports were based upon recorded water supplies which have subsequently been exceeded, that economic conditions have changed, and that improved analytical techniques may now be available. The Governments conclude, therefore, that further investigation is now required to revise previous reports and develop appropriate methods to alleviate the adverse consequences of fluctuating water levels.

Accordingly, the Commission, building upon previous studies, should:

1. propose and evaluate any measures which Governments could take, under crisis conditions, to alleviate problems created by high and low lake levels;
2. review its previous lake regulation studies and revise their engineering, economic and environmental evaluations;
3. examine past, present and potential future changes in land use and management practices along the shorelines of the Great Lakes, their connecting channels and the St. Lawrence River;
4. determine, to the maximum extent practicable, the socio-economic costs and benefits of alternative land use and shoreline management practices and compare these with the revised costs and benefits of lake regulation schemes;

5. investigate any feasible methods of improving the outflow capacity of connecting channels and the St. Lawrence River;
6. develop an information program which could be carried out by responsible government agencies to better inform the public on lake level fluctuations; and,
7. consider any other matters that the Commission deems relevant to the purpose of this study.

The Commission is requested to examine the effects both within and outside the basin of the measures it considers on:

- 1) domestic water supply and sanitation;
- 2) navigation;
- 3) water supply for power generation, industrial and commercial purposes;
- 4) agriculture;
- 5) shore property, both public and private;
- 6) flood control;
- 7) fish, wildlife and other environmental aspects;
- 8) recreation and tourism; and,
- 9) such other effects and implications which the Commission may deem appropriate and relevant.

Wherever appropriate, the Commission is encouraged to use improved analytical techniques which would best represent the changing conditions and socio-economic values in the Great Lakes region. In order to assess the viability of lake level regulation, the Commission should take into account changes in land use practices induced by actions which previously have affected water levels in the Great Lakes basin.

In the event that the Commission's investigations show that new or altered works or other regulatory measures appear to be economically and environmentally practicable, it shall determine the full costs and benefits of such works or measures and indicate how the various interests on either side of the boundary would be affected thereby. In addition, the Commission shall determine the need for and costs of remedial or compensatory works or measures to offset costs to the interests which may be adversely affected by any proposed regulatory measures.

In conducting its investigations and in preparing its report, the Commission shall use data which is available now or which is developed during the course of its study. In addition, the Commission shall seek the assistance, as required, of specially qualified personnel in the United States and Canada. The Governments, subject to their applicable laws and regulations, shall make available, or, as necessary, seek the authorization and appropriation of funds required to provide promptly to the Commission the resources needed to discharge its reference obligations within the specified time period. The Commission shall develop, as soon as practicable, study cost projections for the information of Governments.

The Commission, subject to the availability of adequate appropriations, should proceed with the studies as expeditiously as practicable and present its final report to Governments no later than May 1, 1989. The Governments also request that an interim report, focussing on measures to alleviate the present crisis, be submitted no later than one year from the date the Commission's study board actively begins its work.

An identical letter is being forwarded to the Canadian Section of the Commission by the Department of External Affairs.

Sincerely,



James M. Medas  
Deputy Assistant Secretary  
for Canada