

INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA

DENNIS L. SCHORNACK
CHAIRMAN, U.S. SECTION



November 8, 2004

The Honorable Colin Powell
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Powell:

As you are aware, for more than a year the International Joint Commission has been considering a request by the Governor of the State of Montana that the Commission review its 1921 Order for the apportionment of the St. Mary and Milk Rivers between the United States and Canada. The Commission's Order was issued pursuant to Article VI of the Boundary Waters Treaty.

As part of this effort, the Commission held a series of public information meetings in and toured portions of the two basins. The Commission also invited and received numerous written submissions from interested parties in the region. The Commission also met with leaders of the Blackfoot and Fort Belknap tribes in Montana.

Most of the discussions to date involved issues related to the sharing of water that in its natural channel flows across the United States-Canadian boundary. This is water that is allocated and reported on by the Accredited Officers of the two countries, as directed by the Commission in its 1921 Order.

There is, however, another category of water in the two basins that is covered by the 1921 Order. Section IV of the Order provides that "each country shall be apportioned such water of the said rivers and of any tributaries thereof as rise in that country but do not naturally flow across the international boundary". The Order made no provision for reporting to the Commission of the volume of such water.

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1250 23rd STREET NW, SUITE 100
WASHINGTON DC 20440
PHONE: 202.736.9000
FAX: 202.467.0746

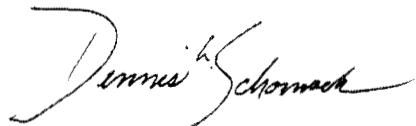
GREAT LAKES REGIONAL OFFICE
100 OUELLETTE AVE., 8th FLOOR
WINDSOR, ON N9A 6T3

234 LAURIER AVENUE WEST, 22nd FLOOR
OTTAWA, ON K1P 6K6
PHONE: 613.995.2984
FAX: 613.993.5583

By letter dated May 28, 2004 (copy enclosed), the Commission requested the two Accredited Officers for their best estimate of the amount of water in both countries that is covered by Section IV. The Accredited Officers continue to work on this request among their many other responsibilities. In the meantime, the Commission has concluded that a more comprehensive accounting of the amount of water covered by Section IV is required at this time for it to be in a position to carry out its responsibilities under the Boundary Waters Treaty. Accordingly, the Commission requests the governments of the United States and Canada to provide it with either an accounting of the waters arising within the St. Mary and Milk River basins but not crossing the international border, or funds to enable the Commission to collect this information. A response that provides for the requested information by February 2005 would be most helpful.

A similar letter is being sent to the Canadian Department of Foreign Affairs by the Chair of the Canadian Section of the Commission.

Sincerely,



Dennis L. Schornack

Enclosure:

c.c.: Terry Breese, Office of Canadian Affairs, U.S. Department of State
The Honorable Judy Martz, Governor, State of Montana
Mr. Murray Clamen, Secretary, Canadian Section, International Joint Commission

INTERNATIONAL JOINT COMMISSION
UNITED STATES AND CANADA



May 28, 2004

Dr. Robert Hirsch
Accredited Officer for the United States
St. Mary and Milk Rivers

Dear Dr. Hirsch:

As you know, the International Joint Commission has received correspondence and other information regarding water use and apportionment and planned water projects in the St. Mary and Milk River basins. In order to gather additional information regarding this situation and to help the Commission decide how best to proceed on all of the matters that have been raised in light of its responsibilities under the Treaty, the Commission has decided to hold a series of public consultations in the area during the coming summer. Although the details have not been finalized, we are looking to the last week of July for these consultations.

The Commission would greatly appreciate your participation and/or the participation of your field representative at those public consultations. The purpose of your participation would be to explain to the public how the Accredited Officers carry out the responsibilities that have been assigned to them by the Commission in the 1921 Order. The field representatives have provided the Commission detailed briefings on these matters in the past, which were extremely helpful.

The Commission would also appreciate your assistance on a provision of the Commission's 1921 Order that was not assigned to the Accredited Officers. Section IV of the Order provides that "each country shall be apportioned such waters of the said rivers and of any tributaries thereof as rise in that country but do not naturally flow across the international boundary." The 1921 Order, however, made no provision for reporting to the Commission on the volume of such waters. In order to become more familiar with the many issues that have been raised regarding the Commission's 1921 Order, the Commission would appreciate the Accredited Officers' best estimate of the amount of water that is addressed by Section IV in the St. Mary and Milk Rivers Basins, both individually and collectively. The Commission would be grateful for your early advice prior to the upcoming public consultations.

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If you or your field representative have any questions regarding these requests, please feel free to contact me at (202) 736-9008 or Jim Chandler at (202) 736-9016.

A similar letter is being sent to the Accredited Officer for Canada by the Secretary of the Canadian Section of the Commission.

Sincerely,

Elizabeth C. Bourget
Elizabeth C. Bourget
Secretary
U.S. Section

Cc: Mr. Murray Clamen, Secretary, Canadian Section, International Joint Commission
Mr. William J. Carswell, Jr., Alternate Accredited Officer for the United States
Mr. Robert Davis, Field Representative for the United States