

IJC / COMMISSION INTERNATIONALE

ACTION: McAuley
INFO: Clamen /uechsler
Commissioner Blaney /Chair
OCT 21 2003 Gray

FILE / DOSSIER

3-1-23 3-1-5-1

Minister
of Foreign Affairs



Ministre
des Affaires étrangères

Ottawa, Canada K1A 0G2

The Honourable L'honorable
Bill Graham P.C., Q.C., M.P., c.p., c.r., député

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The Right Honourable Herb Gray, P.C., Q.C.
and the Honourable Dennis L. Shornack
International Joint Commission
234 Laurier Avenue West, 22nd Floor
Ottawa, Ontario
K1P 6K6

Dear Messrs. Gray and Shornack:

Thank you for your letter of June 12, 2003, with which you enclosed a copy of a letter from Governor Judy Martz of the State of Montana, requesting a review of the 1921 IJC Order governing the apportionment of the St. Mary and Milk Rivers. I regret the delay in replying to you.

Ensuring that users in both countries can continue to benefit from this apportionment is important to Canada. In light of the environmental, social, and economic changes that have occurred since it was first drafted 82 years ago, I support the Commission's decision to explore whether a review is necessary, and I would appreciate being kept informed of your findings.

Thank you again for writing.

Sincerely,

c.c. The Honourable David Anderson, P.C., M.P.

Canada



International Joint Commission
United States and Canada

June 12, 2003

The Honorable William Graham, P.C., Q.C., M.P.
Minister of Foreign Affairs
Ottawa, Ontario K1A 0G2

Dear Minister Graham:

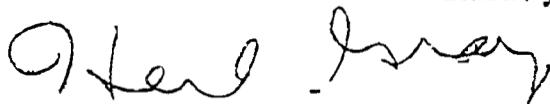
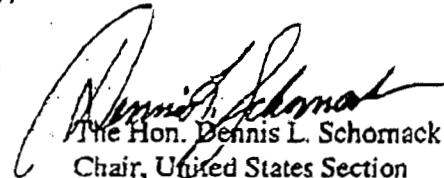
The International Joint Commission has received the attached letter from Governor Martz of the State of Montana asking it to review its 1921 Order for the St. Mary and Milk Rivers in Montana, Alberta, and Saskatchewan. This Order specifies procedures for implementing Article VI of the Boundary Waters Treaty to apportion the flows of the St. Mary and Milk Rivers between the two countries. Apportionment is carried out, per the Treaty, "jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty [Accredited Officers] under the direction of the International Joint Commission."

As you know, the Commission has committed to reviewing Orders over which it has continuing jurisdiction. It has already conducted such reviews in the St. Croix River and Rainy Lake basins, is currently conducting reviews in the Lake Ontario - St. Lawrence River basin and for Duck Lake, and is planning to conduct a review for the Upper Great Lakes, pending funding. These reviews have allowed the Commission to consider such things as changed conditions and new interests, scientific and technical advances since the Order, and potential climate change and variability. Small reviews have been conducted with Commission-supplied funding and focused agency support, while larger reviews have required funding supplied jointly by the two governments and broader agency support. Of the two completed reviews, one resulted in a change to the Commission's Orders, while the other did not.

The Commission is exploring whether or not to conduct a review of its 1921 Order, as requested. As part of that process, we plan to be in contact with key officials in both countries. We intend, through these initial contacts, to gain a more fulsome understanding of issues and concerns, as well as likely resource requirements should the Commission decide to undertake a review. We will keep you informed of our progress and findings.

Similar letters are being sent to the U.S. Secretary of State, the Premiers of Alberta and Saskatchewan, the Governor of Montana, and the two Accredited Officers. Should you have any questions, please do not hesitate to have your staff contact us.

Sincerely,

 
The Rt. Hon. Herb Gray, P.C., Q.C. The Hon. Dennis L. Schomack
Chair, Canadian Section Chair, United States Section

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