



United States Department of State

Washington, D.C. 20520

May 21, 2004

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

IJC / CMI OTTAWA
ACTION: R. Koop
INFO: Canadian Commissioners
MC/mr
MAY 12 2004

FILE / DOSSIER
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Dear Messrs. Gray and Schornack:

This is in response to your letter to Secretary Powell dated July 24, 2003 regarding the concerns of Missisquoi Bay residents that the causeway of the Alburg-Swanton Bridge is obstructing natural water flows, thus contributing to the eutrophication of Missisquoi Bay.

As requested in your letter, the Department of State undertook a review of its archives, but was unable to find any evidence of an agreement to authorize the existing bridge and causeway. It is likely, therefore, that a determination was made that authorizations from the governments of Canada and the United States and the International Joint Commission were not required under the *Boundary Waters Treaty*, for these governmental works wholly in the State of Vermont.

As Vermont is currently proposing to modernize the bridge, involving the partial removal of the existing causeway, and pursuant to Article IX of the Boundary Waters Treaty (BWT), I would propose that the Commission review reports (Environmental Assessment, Endangered and Threatened Species Taking Permit, VANC Water Quality Assessment, Hydrodynamic Model by Applied Sciences Associates, etc) produced by the state of Vermont, in order to provide advice to governments as to whether this complies with the BWT as concerns causing pollution to the injury of health or property in Canada. While further discussion between the IJC and the governments may refine the issues to be examined, the review should include: 1) whether the original causeway affects water levels/flows in Canada; 2) whether the original causeway in the U.S. causes pollution to the injury of health or property in Canada; 3) whether the removal of the original causeway in the U.S. might cause pollution to the injury of health or

property in the United States; and 4) whether the proposed project in the U.S. will cause pollution to the injury of health or property in Canada.

This review should, ideally, be completed by the end of the summer and funded out of the IJC's current budget. I am confident that the IJC's review will be an important contribution to efforts to improve conditions in Missisquoi Bay.

Sincerely,



Terry A. Breese
Director
Office of Canadian Affairs