

January 27, 1999

**REFERENCE TO THE INTERNATIONAL JOINT COMMISSION ON THE
CONSUMPTION, DIVERSION AND REMOVAL OF WATER**

I have the honor to inform you the Governments of the United States and Canada have agreed, pursuant to Article IX of the Boundary Waters Treaty of 1909, to request the Commission to examine into and report upon matters concerning the use of waters along our common border.

Recently, a proposal to ex-port water by tanker from Lake Superior arose. The Governments are concerned that individual projects of apparently minor effect will set a precedent of bulk removal of water, opening the Great Lakes and other water bodies to subsequent water removal initiatives, with unpredictable consequences. The bulk removal of water raises serious concern over cumulative impacts on lakes, rivers and other water sources.

Boundary water resources continue to be the subject of ever-increasing demands in the light of expanding populations. Proposals to use, divert and remove greater amounts of such waters can be expected.

The Governments are concerned that current management principles and conservation measures may be inadequate to ensure the future sustainable use of our shared waters.

The Commission is requested to examine, report upon, and provide recommendations as the Commission deems appropriate on the following matters which have, or may have, effects on levels and flows of waters within the boundary or transboundary basins and shared aquifers:

- a) Existing and potential consumptive uses of water;
- b) Existing and potential diversions of water in and out of the transboundary basins, including withdrawals of water for export;
- c) The cumulative effects of existing and potential diversions, and removals of water, including removals in bulk for export;
- d) The current laws and policies as may affect the sustainability of the water resources in boundary and transboundary basins.

The Governments note that extensive research has already been conducted about the Great Lakes, in particular, the Commission's January 1985 *Great Lakes Diversions and Consumptive Uses* Report. The Governments believe that the Commission's 1985 Report with respect to the Great Lakes, including Lake Michigan, provides a good basis on which to begin the study. In the light of this existing body of knowledge pertaining to the Great Lakes, as well as the urgency of this issue precipitated by export proposals, the Governments request that the Commission give first priority to an examination of the Great Lakes basin, focussing on the potential effects of bulk water removal, including removals for export and provide interim recommendations for the protection of the waters of the Great Lakes, as can be developed from available data, in six months from February 2, 1999.

The Governments further request that the Commission subsequently complete other work on the Great Lakes as may be needed. The Commission is asked to submit its final report on the Great Lakes at the latest six months after the interim report.

In its final report on the Great Lakes, the Commission is further requested to report on additional work that may be required to better understand the implications of consumption, diversions and removal of water, including removals for export from other boundary waters, waters of transboundary basins, and groundwater of shared aquifers. In this regard, the Commission is asked to prepare a plan proposing the phasing of such additional work.

In preparing recommendations, the Commission shall consider in general terms such matters as potential effects on the environment and other interests of diversions and consumptive uses and where appropriate, the implications of climatological trends and conditions.

In the conduct of its investigation and the preparation of its report, the Commission shall have use of information and technical data available to the Governments and that may become available to the Governments during the course of its investigations- In addition, the Commission shall seek the assistance, as required, of specifically qualified personnel in the two countries.

The Governments, in equal shares, shall make available, or, as necessary, seek the appropriation of the funds required to provide the Commission with the resources needed to discharge the obligations under the reference. The Commission shall develop, as early as practicable, cost projecting for the studies under reference, for the information of the Governments.

An identical letter is being sent to the Secretary of the Canadian Section of the Commission by the Department of Foreign Affairs and International Trade.

An identical letter is being sent to the Secretary of the US Section of the Commission by State Department.