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United States Senate

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The Honorable Condoleezza Rice
Secretary of State
United States Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Secretary Rice:

I am writing to urge you to request that the International Joint Commission (IJC) review North Dakota's plans to finalize construction and open an outlet from Devils Lake into the Sheyenne River. As it stands now, only Canada has requested the IJC independent review, even though the Great Lakes Commission and a number of United States governors, congressmen, and Native American communities have expressed their concern over the outlet.

If the outlet is indeed opened as planned this summer, I understand the environmental effects could be disastrous and irreversible. Devils Lake has been isolated from the Hudson Bay drainage basin for over 1000 years, and has thus collected high levels of pollutants such as mercury, phosphorus, and arsenic. In fact, it has been deemed too polluted to irrigate surrounding farmland. If opened, the outlet would release these pollutants downstream into the Sheyenne River, in turn through the Red River in Minnesota and Canada, finally depositing into Lake Winnipeg, the world's tenth largest body of fresh water. Furthermore, any invasive species released downstream could seriously affect native species and cripple fishing industries in North Dakota's neighbors. Despite these significant concerns, the drainage project has gone forward without an environmental impact study. If the IJC were to review the Devils Lake program, it could convene such an assessment, and consequently recommend appropriate safeguards.

Of equal significance, the opening of the Devils Lake outlet in such a one-sided fashion reaches beyond the immediate environmental concerns, and strikes at the integrity of the *Boundary Waters Treaty of 1909*, signed by the United States and Canada to protect water resources on both sides of the border. The treaty has proven extremely valuable to both nations, and the independent, bi-national IJC established by it has been an effective arbiter in providing the principles and mechanisms to resolve disputes in nearly every reference brought before it. This process is being circumvented in the Devils Lake case.

As a member of the Senate Committee on Foreign Relations and the Senate Committee on Environment and Public Works, I am concerned about both the international and ecological repercussions of the Devils Lake drainage outlet. I believe the Department of State, through the request of a joint reference to the IJC in coordination with Canada, would be able address the concerns posed by this project. I urge you, through the powers of your office, to request this reference.

Thank you for your consideration.

Sincerely,



Lincoln D. Chafee
United States Senator

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