

# 2005 activities

## Review of the Great Lakes Water Quality Agreement

### Public consultations by the IJC

In June, the governments of the United States and Canada sent the IJC letters of reference directing it to invite public comment prior to the review of the Great Lakes Water Quality Agreement that the governments would initiate in spring 2006. The IJC appointed an advisory group of Great Lakes and St. Lawrence River leaders to help design its public comment process. Beginning with its Biennial Meeting in Kingston, Ontario, the IJC held 15 public meetings across the Great Lakes and St. Lawrence River basin, with the support of the mayors of those cities. To make the process accessible to those who could not attend a public meeting, the IJC also organized a four-day Web Dialogue and invited comment by letter, fax, toll-free telephone and e-mail. The importance placed on the Agreement by basin residents was demonstrated by the more than 4,000 people who attended the public meetings and participated in other ways.

### Synthesis of Public Comment

The IJC prepared a report synthesizing the comments and compiled a complete record of the public comment. It transmitted both to governments and released them to the public in early 2006. The synthesis report, with summaries and transcripts of the public meetings and the Web Dialogue, is available on the IJC's website, [www.ijc.org](http://www.ijc.org).

### IJC advice to the governments

The IJC will be preparing its own advice for the governments on the review of the Agreement, separate from its report synthesizing the public comment, based in part on the work performed by its advisory boards.

### Kingston Biennial Meeting

More than 500 researchers, government personnel, and interested citizens from the Great Lakes and St. Lawrence basin community engaged each other in discussions arising from the 12<sup>th</sup> Biennial Report on Great Lakes Water Quality at the IJC's 2005 Great Lakes Conference and Biennial Meeting held at Queen's University in Kingston, Ontario, from

### Public meetings held by the IJC on the review of the Great Lakes Water Quality Agreement

<b>Biennial Meeting, Kingston</b> (Ontario):	June 9–11
<b>Montréal</b> (Quebec):	Monday, October 17
<b>Duluth</b> (Minnesota):	Monday, October 24
<b>Thunder Bay</b> (Ontario):	Tuesday, October 25
<b>Sault Ste Marie</b> (Ontario):	Thursday, October 27
<b>Bay City</b> (Michigan):	Tuesday, November 1
<b>Green Bay</b> (Wisconsin):	Tuesday, November 1
<b>Chicago</b> (Illinois):	Wednesday, November 2
<b>Detroit</b> (Michigan):	Wednesday, November 2
<b>Windsor</b> (Ontario):	Wednesday, November 2
<b>Cleveland</b> (Ohio):	Thursday, November 3
<b>Quebec City</b> (Quebec):	Tuesday, November 8
<b>Midland</b> (Ontario):	Tuesday, November 8
<b>Toronto</b> (Ontario):	Wednesday, November 9
<b>Rochester</b> (New York):	Thursday, November 10

### 2003-2005 Priorities Report

The IJC's advisory boards under the Great Lakes Water Quality Agreement (the Great Lakes Water Quality Board and the Great Lakes Science Advisory Board, in conjunction with the Council of Great Lakes Research Managers and the International Air Quality Advisory Board) completed their *Priorities Report* detailing their work on priority issues during the 2003–2005 biennial cycle. An in-depth review of scientific and policy topics related to the upcoming review of the Great Lakes Water Quality Agreement served as a focus for board activities. The Executive Summary of the *Priorities Report* was released in November 2005 and the full report will be released in summer 2006.

June 9 to 11. Workshops devoted to cutting-edge scientific and policy issues filled the first day, while sessions to foster dialogue on issues of public concern rounded out the remaining two days. These included breakout sessions related to the federal governments' forthcoming review of the Great Lakes Water Quality Agreement and a panel discussion on the role of the IJC under

the Agreement. Noted Canadian scientist David Schindler and journalist David Suzuki provided provocative comments on the health of the Great Lakes ecosystem. Reports on government activities under the Great Lakes Water Quality Agreement were presented by the Honourable Stéphane Dion, Minister of Environment for Canada, the Honourable Leona Dombrowsky, Minister of Environment for Ontario, and the Honorable Ben Grumbles, Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Murray Charleton, renowned researcher at Environment Canada's National Water Research Institute, was presented with the International Joint Commission's Biennial Award for Great Lakes Science. The award recognized Mr. Charleton's lifelong and broad-ranging scientific work including his role in conducting a 30-year continuous monitoring program of nutrients, temperature and dissolved oxygen in lakes Erie and Ontario.

### Lake Ontario–St. Lawrence River Study and Review of the IJC's Orders of Approval

The IJC's Lake Ontario–St. Lawrence River Study Board concluded its work on a broad range of possible new regulation plan options, narrowing the options down to three, each of which could be considered as a change to the IJC's existing regulatory regime. The three plans were developed based on various combinations of economic and environmental benefits that address interests within the Lake Ontario–St. Lawrence River system. Each of them fulfills the Commission's goals of providing net economic and environmental improvements to the existing plan. The Study Board and its Public Interest Advisory Group held 15 public meetings during the summer of 2005 to present the new draft regulation plan options. The Study Board used public comment from those meetings, in addition to some other focused meetings with specific interest groups, to refine its work.

In 2005, the IJC contracted the U.S. National Academy of Sciences, in collaboration with the Royal Society of Canada, to conduct an independent review of some key aspects of the Study, including the science and analysis related to certain environmental work, coastal erosion and flooding, and the key scientific models for the Study. This independent review, completed in December 2005 and available through the IJC's website, adds further questions for consideration by Commissioners as they review the IJC's Order of Approval.

The Study Board's final report will be released in spring 2006, and the IJC plans to hold a 60-day comment period

## TRANSBOUNDARY BASINS AND IJC BOARD ACTIVITY

1. International Osoyoos Lake Board of Control
2. International Columbia River Board of Control
3. International Kootenay Lake Board of Control
4. St. Mary and Milk Rivers Accredited Officers
5. St. Mary and Milk Rivers Administrative Measures Task Force
6. International Souris River Board
7. International Red River Board
8. International Lake of the Woods Control Board
9. International Rainy River Water Pollution Board
10. International Rainy Lake Board of Control
11. International Lake Superior Board of Control
12. International Niagara Board of Control
13. International St. Lawrence River Board of Control
14. International Lake Ontario–St. Lawrence River Study Board
15. International Missisquoi Bay Task Force
16. International St. Croix River Board:

Great Lakes Water Quality Agreement Boards

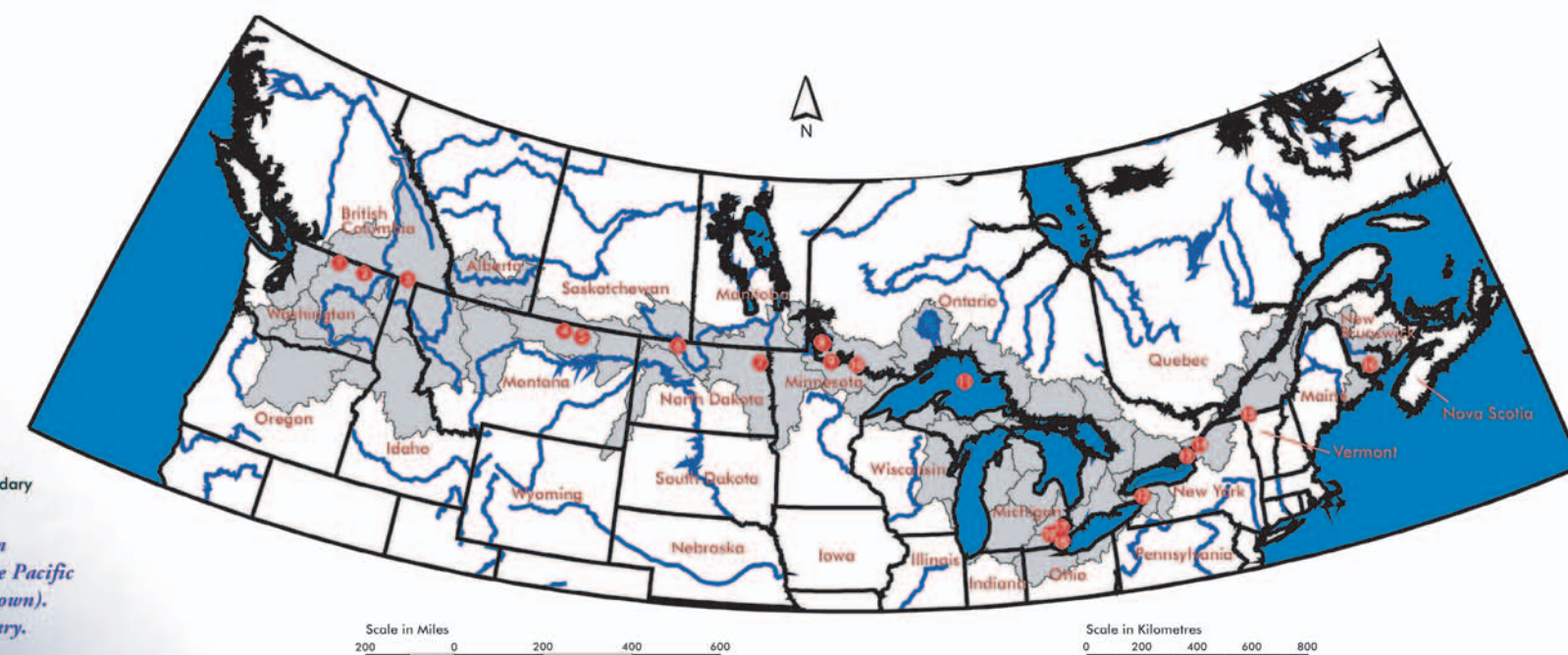
17. Great Lakes Water Quality Board
18. Great Lakes Science Advisory Board
19. Council of Great Lakes Research Managers

Boards active along the entire boundary

20. International Air Quality Advisory Board
21. Health Professionals Task Force

Areas tinted grey represent transboundary basins

The United States and Canada share a boundary that is more than 8,800 kilometres (5,500 miles) long, from the Atlantic Ocean to the Pacific Ocean and on the Alaska-Yukon/British Columbia portion (not shown). Freshwater makes up 3,800 kilometres (2,400 miles) of the boundary.



on the report after its release. The Commission expects to hold public hearings on its draft report on whether or not to change the Lake Ontario–St. Lawrence River Order of Approval; the dates of the hearings are yet to be announced.

The Commission thanks the more than 100 people involved in the Study, including the technical advisers and the Public Interest Advisory Group, for their expertise and dedication to the task.

### Upper Lakes Plan of Study

In October, the IJC issued a revised *Upper Lakes Plan of Study for the Review of the Regulation of Outflows from Lake Superior*. The revised plan, prepared by an Upper Lakes Plan of Study Revision Team appointed by the IJC in May, updated a 2002 plan of study to investigate improvements to Lake Superior outflow regulation pursuant to the IJC control order at the St. Mary's River between Sault Ste. Marie, Michigan, and Sault Ste. Marie, Ontario. These outflows affect water levels and flows in lakes Superior, Michigan, Huron and Erie, and their connecting channels.

The revised Plan of Study includes an investigation of past and ongoing physical changes in the St. Clair River and their impacts on water levels in Lakes Michigan and Huron. It also incorporates lessons learned from the IJC's five-year International Lake Ontario–St. Lawrence River Study. The Team also took into consideration public comments collected during the summer through public consultation meetings, letters and contributions to the IJC's website.

### Missisquoi Bay

The IJC completed its work on questions referred by the U.S. and Canadian governments regarding Missisquoi Bay in Vermont and Quebec with the release of its final report in March. The governments asked the IJC to assess potential transboundary impacts of the Missisquoi Bay causeway and a proposed new bridge. Drawing on information from the report of its International Missisquoi Bay Task Force and its consultations with the public, the IJC concluded that the causeway does not affect water levels and flows in Canada. The IJC also concluded that neither the causeway nor the new bridge project causes any pollution resulting in transboundary injury to health or property. In addition to these specific matters under the reference, the IJC also found that the degraded water quality in Missisquoi Bay is creating a situation that is adversely affecting health and property in both countries and urged both countries to make additional investments to speed up their domestic programs to reduce phosphorus levels in the bay. It was the Commission's judgment that an increased effort should include removal of the existing causeway which, regardless of any scientific findings, is believed by residents to contribute to the bay's pollution. The causeway's removal should stimulate appropriate and equivalent action on both sides of the border. The State of Vermont responded to the Commission's report by initiating, in August 2005, the planning process for removal of both the Missisquoi Bay and Carry Bay causeways from the waters of Lake Champlain.

### St. Mary and Milk Rivers

In January, the IJC appointed members to its International St. Mary and Milk Rivers Administrative Measures Task Force. Members were drawn from the two federal governments, the provinces of Alberta and Saskatchewan, and the state of Montana; a private consultant was also appointed to the group. First Nations and Tribes in the region were specially invited to participate as observers to the Task Force. The Task Force held its first meeting in February to examine whether the existing administrative procedures for the apportionment of water from the St. Mary and Milk rivers (Saskatchewan, Alberta and Montana) could be improved to provide more beneficial use and optimal receipt by each country of its apportioned waters within the terms of the IJC's 1921 Order.

Since February, the Task Force met several times in both countries to examine options for adjustments in the administrative measures being used to implement the current apportionment and held some informal meetings with water users to discuss its work.

The Task Force released its report in spring 2006 and looks forward to providing the interested public in the St. Mary and Milk rivers basins with an opportunity to review and comment on it in May.

## History and Mission

The Boundary Waters Treaty of 1909 established the International Joint Commission (IJC) to assist the governments of the United States and Canada in preventing and resolving transboundary disputes, primarily regarding water and environmental issues, by undertaking investigations, providing advice and licensing certain works in boundary and transboundary waters. The IJC also brings emerging transboundary issues to the attention of the governments for their early action.

The IJC has section staffs in Washington, D.C., and Ottawa, Ontario, (funded by the respective governments) and a binational, jointly-funded Great Lakes Regional Office in Windsor, Ontario. Generally, the day-to-day oversight of IJC-approved projects and IJC investigations are carried out by boards of control, investigative and surveillance boards, advisory boards, task forces and accredited officers. These groups, created by the IJC, also assess environmental quality in the Great Lakes and other transboundary watersheds and identify emerging transboundary air quality issues.

The Boundary Waters Treaty provides that the Canadian and U.S. governments may refer questions or matters of difference to the IJC for examination and report. When the IJC receives a "reference" it usually appoints an investigative board or task force to examine the facts and advise on the questions. Upon issuing a report, the IJC may be requested by govern-

ments to undertake a continuing role to monitor progress in implementing the report's recommendations. The IJC generally appoints a board for assistance in carrying out these functions.

Under the 1978 Great Lakes Water Quality Agreement, the IJC assists the two countries in implementing measures to enhance and protect the Great Lakes, and it evaluates the programs and progress of the U.S. and Canadian governments designed to improve water quality in the Great Lakes. The IJC reports to the federal, state and provincial governments, and the public, on achievements and shortfalls in meeting Agreement goals. The IJC carries out this responsibility principally through its Great Lakes advisory boards and council and its Great Lakes Regional Office.

Under the Boundary Waters Treaty, the IJC acts on applications for hydropower dams and other projects in waters along the Canada-U.S. border to protect all interests from the effects of the projects. If the IJC issues orders of approval for such projects, it typically appoints a board to monitor operation of the project. The board ensures that the requirements of IJC orders are met.

The IJC monitors the flows through projects in the St. Croix, St. Lawrence, Niagara and Columbia rivers, and at the outlets of Lake Superior, Namakan Lake, Rainy Lake, Lake of the Woods, Kootenay Lake and Osoyoos Lake. The IJC also administers the apportionment of the waters of the Souris, St. Mary and Milk rivers (see the map on the previous page for the location of the boards).

## Watershed Initiative

The IJC issued a paper in June on strengthening capacities in watersheds to prevent transboundary disputes. The paper is the IJC's second report to the governments of Canada and the United States on its efforts to prevent disputes by advancing local problem solving. It is based on principles that, among other things, promote building capacity at the watershed level to respond to a range of transboundary water challenges. The report proposes that IJC boards in three watersheds—the St. Croix River (Maine and New Brunswick), the Red River (Minnesota, Manitoba and North Dakota) and the Rainy River, including Rainy and Namakan lakes (Ontario and Minnesota)—launch the development of the IJC's Watersheds Initiative.

The IJC's continuing efforts are based on the premise that local people, given appropriate assistance, are those best positioned to resolve local transboundary issues. The IJC believes that effective trust-building and problem-solving capabilities at the local watershed level will substantially prevent, reduce and perhaps eliminate the need to directly involve the two national governments, or the IJC at the formal request of the governments, to resolve specific international watershed issues. Toward this end, the IJC worked with local partners in the Red River basin to address flood hazards, broaden participation and improve the comprehensive, science-based understanding of the basin. It also undertook efforts aimed at a more comprehensive watershed approach in other transboundary basins that fall within its mandate, including hydrologic modeling in the Rainy River watershed and cross-border mapping in the St. Croix River watershed.

## Air Quality

### Public comment on progress under the Air Quality Agreement

The public comment period on the 2004 report by the Canadian and U.S. governments on their progress under the United States and Canada Air Quality Agreement concluded in 2005. The IJC released a report to the two federal governments synthesizing the comments in early 2006.

### Workshop on air quality monitoring, modeling and communication

In March, with the support of Environment Canada and the National Oceanic and Atmospheric Agency, the IJC's International Air Quality Advisory Board held a workshop on air quality monitoring, modeling and communication. The workshop was organized around three themes: examination of ground-based air quality monitoring in the U.S. and Canada, particularly in the boundary region; the application of remote sensing technology to air quality measurement, modeling and management; and development of air quality indices and related air quality forecasting technology for use in public communications. The IJC will publish the report from this important workshop in spring 2006.

*For copies of the IJC's reports, visit the IJC website at [www.ijc.org](http://www.ijc.org) or contact one of the IJC offices.*

*Front panel photograph: National Water Research Institute*

## Grand Coulee Dam

On April 25, 2003, the Canadian Columbia River Inter-Tribal Fishery Commission (CCRIFC) asked the IJC to issue such further Orders as may be necessary in order to require the Applicant for the IJC's 1941 Order of Approval for Grand Coulee Dam and Reservoir—the Government of the United States—to make suitable and adequate provision for protection and indemnification of the interests of aboriginal peoples in Canada whose fisheries were alleged to have been damaged by the construction and operation of the Grand Coulee Dam and Reservoir. After receiving confirmation from the Canadian government on June 3, 2004 that the CCRIFC could represent First Nations in this matter, the IJC asked the CCRIFC to clarify whether it was alleging that damage to the First Nations' fisheries was caused by raising the natural levels of the Columbia River at and above the international boundary, or whether it was caused by the construction, maintenance or operation of the Grand Coulee Dam, or by some other factor(s). The CCRIFC replied to the IJC on May 5, 2005. The IJC asked interested parties to send their views on the issue to the Commission by the end of January 2006.

## The History Project

The IJC has engaged two scholars to write a history of the Boundary Waters Treaty. The history will be released in 2009 as part of the celebration marking the centennial year of the Boundary Waters Treaty.



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# International Joint Commission

## Canada and United States

### 2005 Annual Report

We are pleased to provide our Annual Report describing the International Joint Commission's activities in 2005.

The International Joint Commission prevents and resolves disputes between the United States of America and Canada under the *1909 Boundary Waters Treaty* and pursues the common good of both countries as an independent and objective advisor to the two governments.

In particular, the Commission rules upon applications for approval of projects affecting boundary or transboundary waters and may regulate the operation of these projects; it assists the two countries in the protection of the transboundary environment, including the implementation of the *Great Lakes Water Quality Agreement* and the improvement of transboundary air quality; and it alerts the governments to emerging issues along the boundary that may give rise to bilateral disputes.



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