

## 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 by 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 small section staffs in Washington and Ottawa (funded by the respective governments) and a binational, jointly-funded Great Lakes Regional Office in Windsor, Ontario. Generally, the IJC's investigations and day-to-day oversight of IJC-approved projects are carried out by boards of control, investigative and surveillance boards, advisory boards, task forces and accredited officers. The groups, created by the IJC, also assess water quality conditions in the Great Lakes and identify emerging air quality issues along the entire boundary.

The Boundary Waters Treaty provides that the U.S. and Canadian 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. Once the IJC issues a report, it may 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 evaluates the programs and measures of the U.S. and Canadian governments designed to improve water quality in the Great Lakes and reports to the federal, state and provincial governments, and the public, on achievements and shortfalls in meeting agreement goals. The IJC is assisted in this responsibility by advisory boards 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 U.S.-Canadian border to protect all interests from the effects of the projects. When the IJC approves such projects, it typically appoints a board to oversee construction and 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 St. Mary and Milk Rivers (Saskatchewan, Alberta and Montana) and the Souris River (Saskatchewan, Manitoba and North Dakota) for irrigation and flood control purposes.

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### Rainy Lake

By adding two new local members to its International Rainy Lake Board of Control, the IJC moved to give a stronger voice to communities within the basin on both sides of the border and allow them to participate in the work of the board. With the assistance of its board, the IJC regulates the levels of Rainy and Namakan Lakes under the 1938 Rainy Lake Convention.

### Red River

In January, Commissioners met with officials from Manitoba, North Dakota and Minnesota to discuss approaches for developing a comprehensive binational plan for flood mitigation on a watershed basis. The IJC's International Red River Board also contracted for an independent consultant's report to assess the actions taken by governments at all levels to address recommendations made in the IJC's 2000 report, Living with the Red. In cooperation with the Red River Basin Commission, the IJC's board is developing a framework for a comprehensive flood reduction plan for the Red River basin. The IJC notes that the Government of Manitoba cited the IJC's report when it announced that it would proceed with the widening of the Winnipeg floodway.

The International Red River Board developed a notification protocol for intensive livestock operations proposing to locate near the international border. Under the protocol,

Manitoba, Minnesota and North Dakota notify the other jurisdictions of proposed new intensive livestock operations, known as factory farms, within five miles of the boundary. The relevant agencies in each jurisdiction have accepted the protocol and are implementing it. The board is also reviewing the feasibility of developing water quality objectives for the nutrients nitrogen and phosphorus in the Red River at the international boundary.

### Souris River

At the Commissioners request, the International Souris River Board (Saskatchewan, Manitoba and North Dakota) examined the potential for better integrating water apportionment, water quality reporting, flood forecasting and flood operations. The IJC's board and the Souris River Bilateral Water Quality Monitoring Group conducted the examination jointly and discussed amalgamating their operations. The IJC is currently discussing these concepts with the federal, state and provincial governments.

### New Website

The IJC launched a new website with enhanced features and a virtual library containing nearly every report by the IJC and its boards. Detailed information about IJC boards, studies and public meetings, as well as an interactive map with information about the Great Lakes Areas of Concern, may also be accessed through the new website.



# International Joint Commission

Canada and United States

2003 Annual Report

We are pleased to provide our 2003 Annual Report describing the International Joint Commission's activities during the past year.

The 1909 Boundary Waters Treaty committed the United States and Canada to peacefully resolving disputes over transboundary waters. For over nine decades, the International Joint Commission has helped to achieve this goal. In 2003 we made a number of significant advances and identified many future challenges that our governments and our peoples will face.

Yours sincerely,

Rt. Hon. Herb Gray Chairman Canadian Section	Hon. Dennis L. Schornack Chairman U.S. Section	Hon. Robert Gourd Commissioner	Hon. Jack Blaney Commissioner	Hon. Irene B. Brooks Commissioner	Hon. Allen I. Olson Commissioner
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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.

The International Joint Commission 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. It rules upon applications for approval of projects affecting the levels and flows of boundary or transboundary waters and may regulate the operation of these projects. In addition, the IJC alerts the governments to emerging issues along the boundary that may give rise to bilateral disputes.

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# 2003 activities

## Great Lakes Water Quality Agreement (GLWQA)

The Great Lakes are a global treasure representing 20 percent of the fresh surface water on Earth. The International Joint Commission (IJC) helps the two countries protect this shared resource in many ways. The Great Lakes Water Quality Agreement of 1978 expresses our countries' commitment to restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes basin ecosystem.

In April, the IJC released a special report on **The Status of Restoration Activities in the Great Lakes Areas of Concern**. The report describes actions taken to address ecosystem degradation in 41 remaining Areas of Concern and notes future actions that are needed to fully restore these areas. Areas of Concern are harbors, bays and other local areas where pollution is harming fish and wildlife, and preventing citizens from enjoying many uses that the water resources can provide. Findings for each Area of Concern are summarized in a matrix on the IJC's website. The IJC recommends actions that both countries should take to manage restoration efforts in a coordinated and comprehensive manner, including the central need to define restoration targets and ensure that progress is measured and reported. In separate reports, the IJC also provided detailed reviews of the plans to remediate the St. Marys River and St. Lawrence River Areas of Concern.

The IJC's advisory boards under the GLWQA completed a two-year cycle of intensive research and analysis and reported their results in 2001-2003 **Priorities and Progress under the Great Lakes Water Quality Agreement**. The report conveys a wealth of state-of-the-art analyses of scientific and policy issues that the IJC considers as priorities for the stewardship of the Great Lakes basin ecosystem. Five major projects are covered: health effects of mercury exposure and source-receptor relationships for atmospheric deposition of mercury to the Great Lakes; progress to implement Remedial Action Plans and Lakewide Management Plans; impacts of urbanization and land use on water quality; climate change implications for water quality and strategies to adapt to or mitigate potential impacts; and emerging

Great Lakes issues in the 21st century. The report addresses a range of other issues, including changes to the Lake Erie ecosystem and the Botulism Type E outbreak; waterborne pathogens; unmonitored chemical contaminants; the Great Lakes St. Lawrence Research Inventory; and coordination of the fleet of science vessels.

At its **Great Lakes Conference and Biennial Meeting in September in Ann Arbor, Michigan**, the IJC issued a **declaration committing it to assist the Canadian and United States governments with their forthcoming review of the GLWQA**. Numerous leaders, researchers and citizens from the Great Lakes basin expressed an urgent need for the two countries to develop a reinvigorated program to restore the Great Lakes basin ecosystem and to commit to the full implementation of that program. The Biennial Meeting enabled participants to explore a wide range of challenges facing the Great Lakes and several organizations, including governments, presented their views and advice on how restoration of the lakes would benefit from a clear vision.

In order to publically recognize that science is key to Great Lakes restoration, the IJC presented the first Biennial Award for Great Lakes Science at the Biennial Meeting. The 2003 award was granted to Dr. Jan Ciborowski of the University of Windsor for his outstanding contributions to the Lake Erie Millennium Network and its assessment of ecosystem health.

***"The International Joint Commission will request a special mandate from the governments that defines an appropriate and substantial role for the commission in the review of the Great Lakes Water Quality Agreement."***

**From IJC declaration of September 20, 2003 at its Biennial Meeting and Conference**

## Alien Invasive Species

The IJC funded a study to fill a critical information gap in the development of an interagency response plan to be used in the event that Asian carp are poised to breach the electrical fish barrier. The barrier, located in the Chicago Sanitary and Ship Canal, is currently the only line of defense between this invasive species and the Great Lakes. The study identified the proper amount of piscicide that would be needed to treat a section of the canal to insure effective removal of Asian carp while minimizing costs and impacts on non-target species.

## Lake Ontario-St. Lawrence River (LOSLR) Study

The IJC concluded the third year of a five-year study to determine what changes may be required in the IJC's order of approval – issued some 50 years ago – for the operation of structures regulating water levels and flows on Lake Ontario and the St. Lawrence River (Ontario, Quebec and New York). Data collection and field work neared completion for all the study's technical working groups, including coastal processes, commercial navigation, water uses, environment/wetlands, hydroelectric power and recreational boating/tourism. The IJC's study board expects to have performance indicators linking water levels with optimal conditions for these six areas by early 2004. The study's Plans Formulation and Evaluation Group has begun to develop modeling to assimilate the work of technical working groups. This is the first step toward developing concrete options for adjustments to the present regulation plan, which will be the emphasis of the final two years of the study.

The study has continued to put a strong emphasis on public engagement. The study's Public Interest Advisory Group held a series of town hall meetings throughout the basin in both the United States and Canada during 2003, where study experts discussed issues of specific interest to each stakeholder community. Commissioners also visited the region on several occasions to meet with stakeholders and get a first-hand look at the issues. The Public Interest Advisory Group issues a quarterly publication, *Ripple Effects*, which is distributed widely and contains detailed information on the activities and findings of the study. More information about the study can be found on its website at [www.loslr.org](http://www.loslr.org).

## 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-Milk Rivers Accredited Officers
5. International Souris River Board
6. International Red River Board
7. International Lake of the Woods Board of Control
8. International Rainy River Water Pollution Board
9. International Rainy Lake Board of Control
10. International Lake Superior Board of Control
11. International Niagara Board of Control
12. International St. Lawrence River Board of Control
13. International Lake Ontario-St. Lawrence River Study Board
14. International St. Croix River Board

15. Great Lakes Water Quality Agreement Boards:
  - Great Lakes Water Quality Board
  - Great Lakes Science Advisory Board
  - Council of Great Lakes Research Managers

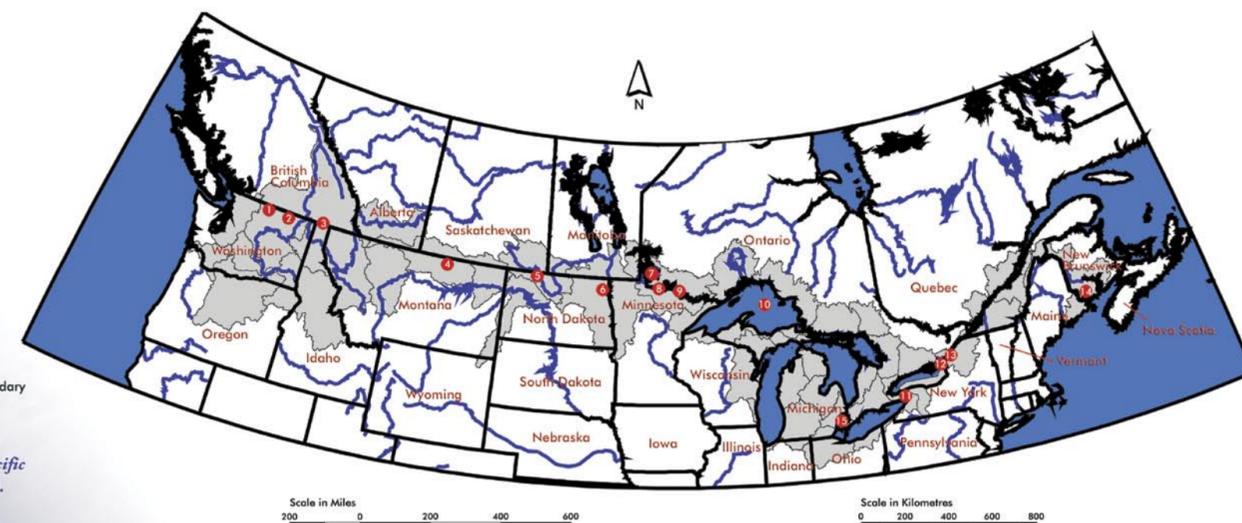
Active along the entire boundary:

- International Air Quality Advisory Board
- Health Professionals Task Force



Areas tinted grey represent transboundary basins

Canada and the United States 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). Water makes up 3,800 kilometres (2,400 miles) of the boundary.



## Levels and Flows

The IJC regulated water levels and flows in the Great Lakes and other waters along the boundary to achieve an appropriate balance among the many significant interests affected by water levels in each basin. Drought conditions on Rainy Lake (Minnesota and Ontario) and Osoyoos Lake (British Columbia and Washington) during 2003 added to the complexity of the task. Water levels in the Great Lakes were also generally low again in 2003, especially in the upper lakes where levels were lower than in 2002 for most of the year.

## Kootenay River Basin: Duck Lake

In response to local concerns, the IJC reviewed its orders of approval for the dykes on Duck Lake in the Canadian portion of the Kootenay River basin (Idaho and British Columbia). Questions raised by basin residents centered on how water levels management has impacted the bass fishery in Duck Lake and whether such management should be transferred to a more local level. Commissioners met with residents in July and held a public hearing in September. In addition, the International Kootenay Lake Board of Control found that the flood protection provided since Libby Dam was constructed has reduced the potential to near zero that the Duck Lake dykes could cause backwater effects on the Kootenay River into Idaho. The finding that transboundary impacts are negligible, along with public input, convinced the IJC that it no longer had a basis for exercising jurisdiction over the dykes on Duck Lake. The IJC terminated its orders of approval in December.

## Watershed Initiatives

The IJC continued efforts to support the establishment of ecosystem-focused watershed boards, in accordance a 1998 request from the U.S. and Canadian governments. In 2003, the IJC endeavored to refine a workable concept for watershed boards in discussions with the IJC boards and other key players in the Red River Basin (Minnesota, North Dakota and Manitoba) and the St. Croix River Basin (New Brunswick and Maine). Core elements of the concept include recognizing local expertise and initiatives, and coordinating among numerous organizations within the watershed – including the IJC's board – for mutual benefit, while respecting differing responsibilities. The IJC's fundamental interest in promoting the watershed board concept is to more effectively meet its mandate of preventing and resolving transboundary water disputes and not to replace existing basin authorities or organizations.

## Air Quality

The IJC invited public comment on a 2002 progress report by the Canadian and U.S. governments under the 1991 Air Quality Agreement. Consistent with its responsibilities under the agreement, the IJC provided a synthesis of the comments to the two governments and the public in May. The progress report highlights actions taken to address transboundary air quality concerns, including acid rain and the requirements of a new annex on ozone. It also covers cooperation on particulate matter, data measurement and analysis, and air pollution effects monitoring, and presents the results of the governments' second five-year comprehensive review of the agreement. The synthesis of comments is available on the IJC website.

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