

Text of Note From State Department to Canadian Embassy, February 5, 1974

The Department of State refers to the Canadian Embassy's Note 432 dated October 23, 1973, concerning the possible effects of the proposed Garrison Diversion Unit in the State of North Dakota on the quality of waters flowing into Canada.

The United States notes Canada's concern that its waters may be adversely affected by the projected future development of the Garrison Diversion Unit, Canada's views regarding the relevance of Article IV of the Boundary Waters Treaty to the continued development of the project, and Canada's request for a moratorium on further construction. The United States wishes to point out that construction work presently underway on the Garrison Diversion Unit will itself not affect waters flowing into Canada. In any development of features of the Garrison Diversion Unit that will affect Canada, specifically works in the Red River Basin and the Souris Loop, the U.S. will comply with its obligation to Canada not to pollute water crossing the boundary "to the injury of health or property" within Canada. No construction potentially affecting waters flowing into Canada will be undertaken unless it is clear that this obligation will be met.

To this end, the Department of the Interior has underway studies to identify and quantify the beneficial and adverse effects of further development of the Garrison Diversion Unit including possible effects on Canadian interests. Many of the effects of water quality and flows have not been fully evaluated by either country. Initial phases of the studies will be completed in March. At that time, the U.S. will further review the future development of the Garrison Diversion Unit in light of all relevant factors, including Canada's concerns and the U.S. obligations under the Boundary Waters Treaty. The U.S. also notes Canada's suggestion that senior officials of both countries meet quickly to reach an understanding regarding Canadian rights and interests. The United States is equally desirous of holding such a meeting in order to assess fully the potential impact of the project on Canada, to consider possible solutions to the problem, and to resolve outstanding policy issues. Such a meeting could be most beneficially conducted after the completion of the initial phases of the studies referred to above, and after Canada has had an opportunity to review these studies and to evaluate the information pertaining to the effects of return flows on Canada.

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