

At another meeting held in Washington on July 12, 1976, an ad referendum agreement was reached between Canada and the United States which would lead to negotiation on the terms of a joint water quality reference to the International Joint Commission.

Another transboundary environmental problem to which the Boundary Waters Treaty is applicable concerns the Skagit Valley in British Columbia, although in this case flooding is the main concern. The roots of the problem date from 1941 when the city of Seattle applied to the IJC under the terms of the treaty for authority to raise the water level of the Skagit River by increasing the height of the Ross Dam in the state of Washington, the effect of which would be to flood approximately 5,475 acres of land in British Columbia. In a 1942 Order the Commission gave its approval subject to certain conditions, one of which was that Seattle adequately compensate Canadian interests that might be affected. In 1967 British Columbia and Seattle concluded a binding compensation agreement. Since then public concern over the environment has increased and British Columbia now opposes the flooding of one of the last surviving wilderness areas in the southern part of the province, a position which is supported by the Federal Government.

In June 1974, the Government of British Columbia presented a "request" to the International Joint Commission challenging the legal validity of the 1942 Order. The Commission in response asked the four governments involved for opinions on whether the Commission had jurisdiction to review its 1942 Order. Briefs were submitted by the four governments but the Commission has deferred any decision on the matter pending the outcome of negotiations in which the city of Seattle and British Columbia are attempting to reach a private settlement of the dispute.

These negotiations are an attempt to reach a mutually satisfactory settlement that would prevent flooding of the Skagit Valley and yet supply Seattle with additional power. On February 4, 1976, the presiding judge of the U.S. Federal Power Commission ordered that the license granted Seattle in 1927 be amended subject to certain conditions to permit completion of the Ross Dam. This is only an initial ruling; the final decision, subject to appeal, is expected at the end of 1976. Meanwhile it has been suggested that rather than raise the Ross Dam, British Columbia might compensate for the lost energy capacity by modifying the Seven Mile Dam now under construction on the Pied-d'Oreille River, thereby increasing generating capacity and permitting export of energy to Seattle while preserving the Skagit Valley.