



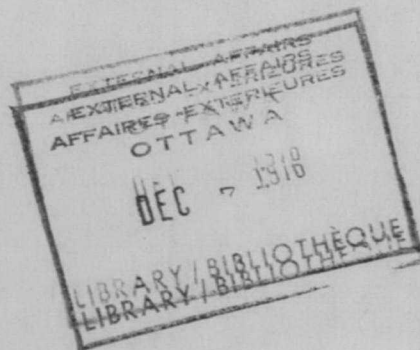
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NOVEMBER 15, 1976



GARRISON DIVERSION

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

The Secretary of State for External Affairs, the Honourable Don Jamieson, tabled in the House today the text of a diplomatic Note concerning the Garrison Diversion project in North Dakota, which was transmitted on October 12, 1976 to the United States State Department in Washington. Following is the text of the Note.

" The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the ongoing consultations between the Governments of Canada and the United States of America on the subject of the Garrison Diversion Unit under construction in the State of North Dakota. In particular, the Embassy refers to the Reference on this subject made to the International Joint Commission by letters of 22 October 1975 from both Governments, and to the United States Government's assurances of 5 February 1974, reiterated most recently in the Joint Communiqué of 16 August 1976, that ' no construction on the Garrison Diversion Unit potentially affecting water flowing into Canada will be undertaken until it is clear that this obligation (under Article IV of the Boundary Waters Treaty of 1909) will be met ' .

The Department will recall that the International Joint Commission indicated by letter of 5 August 1976 that its report on the above-mentioned Reference would not, as anticipated, be completed by 31 October 1976, but would rather be delayed until June 1977. While recognizing the Commission's reasons for this decision, the Government of Canada has become increasingly concerned as to the implications of the delay. It is the understanding of the Embassy that important budgetary decisions relating to the Garrison Diversion Project, including final authorization for substantial additional construction on the Lonetree Reservoir, are to be taken by United States authorities well prior to June 1977. It was originally anticipated that those involved in the United States budgetary process would have had the guidance of the Commission's report regarding the potential effects on Canadian waters of the proposed works. With the delay, however, any decisions on further construction and funding would not be based on a full knowledge of these potential effects.

The Canadian Government is particularly concerned that, while actual construction of the Lonetree Reservoir may not, in itself, affect waters flowing into Canada, filling or operation of the Reservoir could have such an effect, as flows from the Reservoir would enter the Cheyenne River and thus the Red River even in the absence of completed irrigation canals. This in turn would mean that foreign biota would pass into the Red River-Lake Winnipeg Basin, a matter of considerable concern, given our conclusion that the introduction of such biota has the potential for injury to fisheries in Canada.

While the Government of Canada is aware that the operation of the Reservoir is not scheduled to begin until 1978, it is also aware that advanced or completed construction of such projects naturally forms a powerful argument for their operation. Account should therefore be taken of the serious problems that could be expected to arise should the Commission report, after further expenditure and construction had taken place on the Reservoir, that the Reservoir's filling and operation would indeed injure health and property in Canada.

As the Department will recall, the Embassy in November 1975 transmitted for the information of the United States Congress a ' Canadian Position on the Garrison Diversion Unit ' which stated, inter alia, that ' a report from the Commission should be received and studied... before any firm commitments are made in the United States for construction potentially affecting waters flowing into Canada, since such construction could be substantially affected by the outcome of the reference'. In view of the delay in the Commission's reporting schedule and the potential impact on Canada of the filling and operation of the Lonetree Reservoir, the Canadian Government wishes to make clear that this position applies to further construction of the Reservoir. With the understanding that the Commission will report on its findings in the near future, the Embassy has therefore been instructed to request, as a logical extension of the United States Government's assurances of February 1974, that further construction and decisions on construction of the Lonetree Reservoir be deferred until after the Commission's report has been received and subsequent consultations between the two Governments have taken place.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration."