



DEPARTMENT OF EXTERNAL AFFAIRS  
MINISTÈRE DES AFFAIRES EXTÉRIEURES

# communiqué

No: 71  
No.:

REFERENCE

DIFFUSION: NOT FOR PUBLICATION BEFORE  
RELEASE: 10:00 HOURS

SEPTEMBER 19, 1977

## GARRISON DIVERSION: FINAL REPORT OF THE INTERNATIONAL JOINT COMMISSION

The Secretary of State for External Affairs, the Honourable Don Jamieson, announced today that the Governments of Canada and the United States of America had received from the International Joint Commission its Report on the "Transboundary Implications of the Garrison Diversion Unit" in North Dakota. Printed copies of the Report are expected to be available on or about September 26; in the meantime, advance copies are available for inspection in the Washington and Ottawa offices of the Commission.

The Government of Canada is grateful for the work of the IJC on this complex question. Substantive comment on the Commission's findings will be reserved pending study of the Report and consultations with the Province of Manitoba.

The Commission has summarized its conclusions as follows:

"In a report to the Governments of Canada and United States, the International Joint Commission (IJC) concluded that the construction and operation of the Garrison Diversion irrigation project in North Dakota "as envisaged" would cause significant injury to health and property in Canada as a result of adverse impacts on the water quality, and would cause adverse and irreversible impacts on some of the more important biological resources in Manitoba. "As envisaged" means the plan for the Project approved by the United States Government at the time the IJC was asked to investigate the transboundary implications.

"Subsequent to the Reference, the IJC's International Garrison Diversion Study Board proposed an improved fish screen at McClusky Canal and a closed system of water transport. Despite these two lines of defense to prevent a transfer of biota from the Missouri River Basin across the international boundary to the Hudson Bay drainage system, the Commission concluded that because of possible overland flow from accidents or for other reasons, although unlikely, the modified fish screen and closed system cannot be relied upon. Because the predicted impacts of a biological transfer from the Missouri River to the Hudson Bay Drainage system are so potentially damaging, a sufficient guarantee against such an occurrence must be provided.

"While it is conceded that most of the adverse impacts on Canada can be mitigated with the various modifications proposed since the Project was envisaged, those impacts from possible biota transfers (fish, fish eggs, parasites, etc.) and fish diseases are so threatening that the only acceptable policy at present, according to the Commission's conclusions, is to delay construction of those features of the Garrison Diversion Unit which might result in such transfers, until the question of biota and fish diseases transfer is agreed to be no longer a matter of concern to the Governments.

"However, with regard to another part of the Project, the Commission concluded that Lonetree Reservoir and its dams could be constructed without an unacceptable risk to Canada, if all outlet works from the Reservoir are located so as to discharge only into the Missouri River Basin (James River) and if fishing in the Reservoir is forbidden.

"With regard to the problem of salinity, the Commission concluded that the concentrations of total dissolved solids in the return flows to Canada could be reduced by removing irrigable areas with highly saline soils from the Project and replacing them with a similar acreage of soils less saline. However, this would not improve the situation with respect to nitrates.

"The IJC further concluded that seepage from the Velva Canal would be reduced by lining those areas of the Canal where necessary. This would decrease the amount and concentration of total dissolved solids in the return flows attributable to the Velva Canal.

"The Commission noted that the Project would have an adverse impact on the waterfowl resources in Manitoba, but it concluded that this adverse effect would be largely offset by the implementation of a wetland habitat restoration concept. This would provide that areas lost to drainage and construction would be replaced by many small wetland complexes which would use natural inflows rather than water supplied by the Garrison Project.

"The Commission has taken note of the Study Board's frequent references to the uncertainties of their findings and predictions, especially as to the expected concentrations of nitrogen, based on the use of mathematical models. Therefore, the Commission further concluded that it is mandatory to verify both the quality and quantity of return flows from the project, and to determine by research the ultimate fate of nitrogen in the Souris River before there is irrigation development in the Souris River area.

"The Commission's Study Board assumed that "best management practices" would be used by farmers in North Dakota. The Commission is uncertain that the Board's assumption is valid at this time. The IJC report states that best management practices should be required by law and duly monitored.

"Finally, the Commission concluded that the two Governments should negotiate appropriate water quality agreements for the Souris and Red Rivers.

"Commissioner Bernard Beaupré, while in general agreement with the majority of conclusions stated in the report, differs with some significant aspects of the rationale cited as the basis for those conclusions; in particular, he differs with the approach taken by the Commission in the setting up of a Water Quality Agreement."

-- The Commission, further, made to governments three recommendations flowing from its conclusions. The full text of these recommendations is attached.

## RECOMMENDATIONS

The International Joint Commission, in the light of its conclusions on this inquiry, recommends:

1. That because the "closed system" and the McClusky Canal fish screen cannot with any certainty prevent biota and disease transfers which would cause severe and irreversible damage to the ecosystem and, in particular, to the commercial and sport fisheries in Canada, those portions of the Garrison Diversion Unit which could affect waters flowing into Canada not be built at this time. This is not intended to preclude construction of Lonetree Reservoir, subject to the conditions set forth in Chapter VIII.
2. That, if and when the Governments of Canada and the United States agree that methods have been proven that will eliminate the risk of biota transfer, or if the question of biota transfer is agreed to be no longer a matter of concern, then the construction of that portion of the Garrison Diversion Unit which would affect waters flowing into Canada may be undertaken provided the following conditions are met:
  - (a) Any agreed modifications or other measures required to resolve the inter-basin biota transfer issue are incorporated into the Project.

- (b) Modifications to the Garrison Diversion Unit for the reduction of highly-saline soils, wetland habitat restoration and lining the Velva Canal as required, all described in Chapter VI of this Report, are incorporated in the Project.
  - (c) A program to verify the quality and quantity of return flows from the Project has been carried out and it has subsequently been agreed that concerns on these questions have been resolved.
  - (d) Research to determine the nature and extent of the complex nitrogen transformations in the Souris River and also to determine the ultimate fate of nitrogen in the Souris River with the addition of return flows from the Garrison Diversion Unit has been completed and it has been agreed that concerns about nitrogen have been resolved.
  - (e) An agreement has been concluded for payment by the United States of the capital and operating costs of the mitigating measures in Canada made necessary by the Garrison Diversion Unit, and
  - (f) Appropriate agreement has been reached on the efficacy of existing or new regulations or laws ensuring the employment of best management practices.
3. That the two Governments negotiate appropriate water quality agreements for the Souris and Red Rivers.