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REFERENCE

IJC SPECIAL INTERIM REPORT  
ON REGULATION OF LAKE SUPERIOR OUTFLOWS  
TO PROVIDE RELIEF FROM HIGH WATER LEVELS  
ON THE LOWER GREAT LAKES

DEPARTMENT OF EXTERNAL AFFAIRS  
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Communiqué

The Secretary of State for External Affairs, the Hon. Mitchell Sharp, and the Minister of the Environment, the Hon. Jack Davis, today announced that a Special Interim Report on Regulation of Lake Superior Outflows to Provide Relief from High Water Levels on the Lower Great Lakes was presented on June 29, 1973, by the International Joint Commission, to the Governments of Canada and the United States.

In order to determine whether measures within the Great Lakes Basin could be taken in the public interest to further regulate the levels of the Great Lakes and their connecting waters so as to reduce the extreme levels which had been experienced, the Governments of Canada and the United States in 1964 referred the matter to the International Joint Commission for investigation and report pursuant to Article IX of the Boundary Waters Treaty.

This report presents an interim course of action based on changes in Lake Superior regulation only. Conclusions and recommendations concerning long-range possibilities will be included in the Commission's final report under the 1964 Reference.

The Commission recommends that the objective of regulation of Lake Superior outflows should be to provide benefits to interests throughout the Great Lakes system without undue detriment to Lake Superior interests. To achieve this objective, it feels all control works in the St. Mary's River, including but not limited to the 16-gate control structure and all power canals, their head gates and their by-passes, should be operated so as to keep the levels of Lakes Superior and Michigan-Huron at the same relative position within their recorded ranges of stage and with respect to their mean levels. Under such operation, the level of Lake Superior would be maintained, as nearly as may be, within its recorded range below elevation 602.0 feet IGLD (International Great Lakes Datum). The Commission requests specific authority from the two governments to amend its Orders of Approval dated May 26 and May 27, 1914 which presently govern the regulation of Lake Superior but do not take downstream interests into account, and authority to prescribe a new plan of regulation for that lake, on the basis of the objectives and criteria it has outlined.

The Commission finds that small net benefits to the Great Lakes system would be achieved by a new plan which takes into consideration the levels of both Lake Superior and Lakes Michigan-Huron, rather than those of Lake Superior alone as is presently the case. Particularly during the first year, the new plan would produce net beneficial effects if it were introduced during the present period of high lake levels. It would redistribute the water in the system, produce slightly higher levels in Lake Superior and slightly lower levels in downstream lakes, and thereby result in benefits to some interests and detriment to others. The new regime of levels and flows would, on the whole, be favourable to the needs of the major Great Lakes interests. However, the effect of this regulation on Lake Ontario levels and flows would be negligible.

Because certain interests may be harmed by this change in regulation the Commission also recommends that both governments ought to address themselves to measures that will be required for protection or indemnity of these interests.

Since January 30, 1973, the Commission has deviated from its regulation plan under the 1914 Orders as an emergency measure so as to limit outflows from Lake Superior to an extent which otherwise would not have been permitted. This

emergency action was undertaken in response to the request of the United States Government and the expressions of concern of the Canadian Government. Unless otherwise instructed by Governments, the Commission intends to continue with this emergency plan on a temporary basis until the emergency situation eases.

This report is receiving consideration by the two governments on an urgent basis with a view to responding to the LJC'S recommendations as soon as possible.