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MINISTÈRE DES AFFAIRES EXTÉRIEURES

# communiqué

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## CANADA EXPRESSES CONCERN ABOUT THE GARRISON DIVERSION PROJECT

-- The Secretary of State for External Affairs, Mark MacGuigan, today released the text of a diplomatic note expressing the Canadian Government's concern that important new funds may shortly be appropriated for the Garrison Diversion Project in North Dakota.

The Canadian Note was prompted by indications yesterday that the Appropriations Committee of the United States Senate will be considering on June 19 in Washington an additional appropriation of \$9.7 million for the Garrison Diversion Project. While the proposed appropriation would be used to fund work not directly affecting Canada, the Government is concerned that the new funding, if subsequently approved by the Congress, could ultimately result in actions damaging to Canada.

The Canadian Ambassador in Washington was accordingly instructed to formally express both to the United States Administration and to members of the Congress, Canada's concern at this development.

The potential adverse transboundary impacts of the Garrison Diversion Project, particularly the risks posed to Manitoba's fisheries and water quality by inter-basin transfers of water and associated harmful foreign biota, remain a source of serious concern to Canada. In its 1977 Report the International Joint Commission characterized the biota transfer problem as a concern "over-riding everything else", and recommended that the project not go ahead until this concern had been eliminated. The Canadian Government remains firmly of the view that the only way to eliminate this concern is for the project to be modified to eliminate all inter-basin transfers of water. The Government is continuing to press United States authorities for such modifications to the Garrison Project.

TEXT OF NOTE FROM CANADIAN EMBASSY, WASHINGTON,  
TO THE UNITED STATES DEPARTMENT OF STATE

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June 18, 1980.

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer to previous exchanges of views between the Canadian and United States Governments on the Garrison Diversion Project. The Embassy wishes to express the serious concern of the Canadian Government that important new funds may be appropriated for the Garrison Diversion Project, which, as currently authorized, would have a seriously damaging impact in Canada. The Embassy understands that such funds would not be spent on portions of the project with potentially direct implications for Canada; nevertheless, in the absence of any significant project redesign which would fully protect Canadian waters and reflect the recommendations of the International Joint Commission, such continuing construction momentum could well result in actions that could lead to a violation of the Boundary Waters Treaty. The principal reason for this concern remains the Lonetree Reservoir and various connected works.

The Canadian Government therefore considers that satisfactory resolution of the serious bilateral implications of this project should precede decisions aimed at completion of the Lonetree Reservoir or works whose operation under the authorized plan is dependent on the Reservoir. In the Canadian Government's view, the serious issues raised by the project require a deliberate process of review which fully addresses both the well-documented Canadian concerns and the IJC's (International Joint Commission's) recommendations.

Canada's concerns over the potential adverse impacts of the Garrison Project have been made known to the Government of the United States on numerous occasions. Canada has sought and secured several important United States assurances including the undertaking to "comply with its (Boundary Waters Treaty) obligations not to pollute waters crossing the boundary to the injury of health or property within Canada"; and commitment that "no construction potentially affecting waters flowing into Canada will be undertaken unless it is clear that this obligation will be met". Furthermore, in 1977 the United States formally undertook to consult with Canada before proceeding with the construction of the Lonetree Dam, a key project component completing the inter-basin link.

The International Joint Commission has characterized the possibility of inter-basin transfers of foreign fish species, diseases and parasites as a concern "over-riding everything else", and recommended that the Garrison Project not go ahead until this danger has been eliminated. The biota transfer problem remains a very real concern. Canada continues to believe that the only way to deal with this problem would be for the project to be further modified to eliminate all inter-basin transfers of water.

The Canadian Government has been appreciative of the United States Government assurances regarding the Garrison Diversion. It has also welcomed the recognition Congress has previously given to Canadian concerns and United States obligations. The Canadian Government continues to attach great importance to co-operation between our two countries in resolving this serious bilateral problem and requests that no action, including the provision of new funding, be taken until the outstanding bilateral issues are resolved.

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