

Exchange of notes between the Government of Canada and the Government of the United States of America constituting an Agreement regarding the continued preservation and enhancement of the water quality in the international section of the Saint John River

The Secretary of State for External Affairs of Canada to the Ambassador of the United States of America

Ottawa, February 22, 1984

No. 0123

Excellency:

I have the honour to refer to the discussions on the Saint John River which have taken place between representatives of our Governments, and to propose that our Governments undertake additional measures to ensure the continued preservation and enhancement of the quality of water in the international section of the Saint John River.

On September 21, 1972, our two Governments established by Exchange of Notes the Canada-United States Committee on Water Quality in the Saint John River. The Committee was to cooperate in water quality planning in order to devise programs to enhance the quality of water in the Saint John River, consistent with the provisions and objectives of the Boundary Waters Treaty of 1909. Simultaneously with the committee's creation, the International Joint Commission was given a Reference by Governments to recommend action by the Governments in regard to those matters examined by the Committee and to advise on further institutional arrangements. A Report of the Committee was presented to the International Joint Commission in September, 1975, and the International Joint Commission's final Report to Governments was completed in February, 1977. Subsequent to that date, Committee operations have continued. It has focused on a further review and revision of the water quality objectives recommended in its 1975 Report, and revised objectives were adopted in November, 1980, by the Committee.

In light of the mutual commitment of our Governments to the preservation and enhancement of water quality in the Saint John River, and in order to further control and reduce water pollution in the international section of the Saint John River, I have the honour to propose that the Governments of Canada and the United States utilize the water quality objectives approved by the Committee in 1980 and continue to consider those objectives as useful indicators in the development and implementation of specific programs and measures in both countries.

Recognizing the valuable work done since 1972 by the Committee, and the interim nature of the Committee's original mandate, I have the further honour to propose that our Governments continue in operation the Canada-United States Committee on Water Quality in the Saint John River to assist the appropriate authorities in Canada and the United States to cooperate in the development, coordination and implementation of

programs and measures to meet these objectives. The functions of the Committee would accordingly be amended as set forth in the attached Annex which replaces the Annex to the Canadian Note of September 21, 1972.

If the foregoing proposals are acceptable to the Government of the United States of America, I have the honour to propose that this Note, together with its Annex, which are equally authentic in English and French, and your reply, shall constitute an agreement between our Governments which shall enter into force on the date of your reply and remain in force unless terminated by either Government upon six (6) months' written notice to the other Government. This agreement may be amended by mutual agreement of the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

[FROM:]

ALLAN J. MACEachEN
Secretary of State for External Affairs

[TO:]

The Honourable Paul Heron Robinson Jr.,
Ambassador of the United States of America,
Ottawa.

Annex

Terms of reference for the Canada-United States committee on water quality
in the Saint John River

1. The Canada-United States Committee on Water Quality in the Saint John River shall assist the appropriate authorities in Canada and the United States to cooperate in the development, coordination and implementation of programs and measures to meet water quality objectives for the international section of the Saint John River. Accordingly, the Committee shall have the following responsibilities:

- (a) Periodically review activities relating to water quality on both sides of the boundary in the Saint John River Basin, with a view to facilitating progress towards preservation and enhancement of water quality;
- (b) Exchange appropriate information about plans, programs and actions which could affect water quality in the Basin;
- (c) Assist in coordination and consultation among appropriate authorities on matters and actions including monitoring programs concerning water quality;

(d) Report to Governments recommended further refinements to the water quality objectives, as necessary;

(e) Provide a report to Governments every two years, or to the extent necessary, on the state of water quality in the international section of the Saint John River, and on progress being made to maintain and enhance water quality in accordance with the objectives and, as appropriate, identifying any further measures required; and,

(f) Provide copies of its report to the International Joint Commission.

2. Discussions within the Committee will supplement and not replace existing formal and informal discussions or other contacts among federal, state, provincial and local authorities.

3. Composition and organization of the Committee:

(a) The Committee shall consist of an equal number of members from each country, and will include appropriate officials from the Governments of Canada and the United States; the Governments of New Brunswick, Quebec and Maine; and representatives of regional organizations, as appropriate;

(b) The members will represent their respective authorities (who will pay such expenses as may be incurred in this respect) and provide the special skills, experience and information required to carry out the above terms of reference;

(c) The Committee should have the smallest number of members to perform its functions effectively but may, as required, appoint sub-committees or task forces to undertake specific tasks. Advisors and observers to the Committee may be paid by Governments or serve without salary or expense allowance; and,

(d) The United States and Canadian sections of the Committee shall each designate a Chairman of its section. The Chairmen of the two sections shall be Co-chairmen of the Committee and shall be responsible for providing proper liaison between the Committee and their respective authorities. The Chairmen will keep their respective section members informed of plans, activities and progress. Each Chairman, after consulting the members of his own section of the Committee, may appoint a Secretary of that section.

The Ambassador of the United States of America to the Secretary of State for External Affairs of Canada

Ottawa, February 22, 1984

Sir:

I have the honor to refer to your Note of this date, with attached Annex, regarding the United States-Canada Committee on Water Quality in the Saint John River, which was

established by an Exchange of Notes between our two Governments on September 21, 1972. You have proposed that our Governments now utilize the water quality objectives approved by the Committee in 1980. In addition, you have proposed continued operation of the Committee under a revised mandate, as set forth in the Annex to your Note. These proposals have been approved by the United States Government.

Accordingly, I have the honor to confirm that your Note, together with its Annex, and this reply, shall constitute an agreement between our Governments which shall enter into force on the date of this reply.

Accept, Sir, the renewed assurances of my highest consideration.

[FROM:]

PAUL HERON ROBINSON JR.
Ambassador

[TO:]

The Honourable Allan J. MacEachen,
Deputy Prime Minister and
Secretary of State for External Affairs,
Ottawa.