



June 28, 2021

Pierre-Yves Caux  
A/Secretary  
International Joint Commission  
Laurier Avenue West, 22nd Floor  
Ottawa, ON K1P 6K6

Susan Daniels  
A/Secretary  
International Joint Commission  
2000 L Street NW, Suite 615  
Washington D.C. 20036

Dear Mr. Caux and Ms. Daniels,

The governments of Canada and the United States thank the International Joint Commission (the Commission) for its December 2019 letter, requesting support for the St. Mary and Milk Rivers Administrative Procedures Review Study. The governments are pleased to indicate support for the Commission to undertake a study of administrative procedural changes and structural options that could improve both countries' access to apportioned waters.

The governments understand that the intent of the study is to explore options to improve access to water entitlements by both Canada and the United States, in recognition of climate change and the challenges to apportionment since the 1921 Order was issued, and a desire to achieve long-term resiliency in accessing the shared waters of the St. Mary and Milk Rivers. Several of the options recommended for further study are both complex and interdependent, requiring additional study to identify what combination of options would be of greatest mutual benefit.

As the Accredited Officers (AOs) recommended in their letter, the governments support further study and evaluation of consideration of potential options to improve each country's receipt of its entitlement. These may include non-structural options such as, modified balancing periods and deficit trading, as well as structural options such as new, or improvements to existing, infrastructure.

Conducting the study could help enable an analysis, including lessons learned from the past 100 years. For example, Article VI of the Boundary Waters Treaty of 1909 defines the irrigation season by reference to specific dates, yet the Parties are currently experiencing earlier spring melt and employing different agricultural practices than when the Treaty was signed. Support for the exploration of approaches to irrigation season is important to this work. The Commission should consider indicating this concern to the binational, unbiased study board, once formed.

The governments suggest that the focus of the IJC's studies and recommendations adhere to the elements identified in the AOs' *Options and Recommendations* paper, as well as the supplementary document entitled the *St. Mary and Milk River Apportionment Procedures Review – Project Considerations*, in which the AOs provide a recommended detailed scope of the study. This includes detailed hydrological modelling, the consideration of structural and non-structural options, stakeholder and indigenous people engagement, socio-economic impacts and climate change considerations.



The Commission's December 2019 letter also noted the importance of meaningfully engaging with relevant indigenous groups, the public, and relevant agencies in considering options related to sharing the waters of the St. Mary and Milk Rivers. In collaboration with the AOs and the Field Representatives, and as per the governments' January 2021 follow up letter to our November meeting, the Commission should initiate the preparatory work for the proposed study by planning a process for stakeholder and Indigenous engagement. The governments expect that this work would be incorporated into the work plans of the study board, once formed.

The Commission, subject to the availability of adequate funding, should proceed with the study as expeditiously as possible, and provide its recommendations to governments within four years of the establishment of a study board. Furthermore, the governments recommend that a study board and work plan be established within six months of receipt of this letter.

The governments look forward to the Commission's review and recommendations, and welcome receiving interim updates on the status of the study at each semi-annual meeting in April and October. The submission of the Commission's final recommendations to governments will constitute the completion of work identified in the study.

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