

No. 12473

**CANADA
and
UNITED STATES OF AMERICA**

Exchange of notes constituting an agreement regarding the preservation of the quality of water in the international section of the St. John River (with annex). Ottawa, 21 September 1972

Authentic texts : English and French.

Registered by Canada on 3 May 1973.

**CANADA
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de notes constituant un accord regardant la préservation de la qualité de l'eau dans la section internationale du fleuve Saint-Jean (avec annexe). Ottawa, 21 septembre 1972

Textes authentiques : anglais et français.

Enregistré par le Canada le 3 mai 1973.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE PRESERVATION OF THE QUALITY OF WATER IN THE INTERNATIONAL SECTION OF THE ST. JOHN RIVER

I

Ottawa, September 21, 1972

No. GWU-310

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments regarding the preservation of the quality of water in the international section of the St. John River and to propose that our Governments establish a Canada-United States Committee on water quality in the St. John River and its tributary rivers and streams which cross the Canada-United States boundary. The composition, purposes and objectives of the Committee, which shall conduct its work in a manner which is consistent with the provisions and objectives of the Boundary Waters Treaty of 1909,² are set out in the annex to this note.

If the foregoing proposal is 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 Excellency's reply to that effect, shall constitute an agreement between our Governments which shall enter into force on the date of your reply.

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

MITCHELL SHARP

Secretary of State for External Affairs

His Excellency the Honourable Adolph W. Schmidt
Ambassador of the United States of America
Ottawa

ANNEX

Whereas the Governments of Canada and the United States in the light of their rights and obligations under article IV of the Boundary Waters Treaty of 1909 with respect to the avoidance of transboundary pollution, are concerned about the quality of water in the international section of the St. John River and in its tributary rivers and streams which cross the Canada-United States boundary;

Whereas water quality planning has been under way in the St. John River Basin in both countries for more than a year, and proper co-ordination of this planning is urgently required to assure achievement of a unified approach to the problem;

It is hereby agreed that a Canada-United States Committee on Water Quality in the St. John River and its Tributaries crossing the International Boundary (hereinafter referred to as the "Committee") be established to assist the appropriate authorities in Canada and the United States to co-operate in such water quality planning as may be necessary

¹ Came into force on 21 September 1972, the date of the note in reply, in accordance with the provisions of the said notes.

² De Martens, *Nouveau Recueil général de Traités*, troisième série, tome 4, p. 208.

to devise programs which will enhance the quality of water in the St. John River. The Committee will conduct its work in a manner which is consistent with the objectives and provisions of the Boundary Waters Treaty of 1909.

I. The purposes of the Committee shall be :

- (A) To review periodically progress in the conduct of such water quality planning on both sides of the Canada-United States boundary in the St. John River Basin, with a view to facilitating progress toward enhancement of water quality;
- (B) To exchange appropriate information about plans, programs and actions which could affect water quality in the Basin;
- (C) To assist in co-ordination and consultation among appropriate authorities on matters and actions affecting water quality;
- (D) To make appropriate recommendations to relevant authorities on both sides of the boundary and to the International Joint Commission (hereinafter referred to as the "Commission") regarding the improvement of water quality in the Basin.

In the conduct of its work the Committee should consider in particular the following aspects of water quality :

- (A) The condition of water quality, and the nature, extent and sources of pollution;
- (B) The need for and means of defining and achieving agreed international water quality objectives;
- (C) The identification of programs and other measures needed to obtain a significant reduction in level of pollution with time-tables for accomplishment, including measures related to water quality and rate of flow, taking account of social and economic impacts.

It is understood that discussions within the Committee will serve to enhance and not to replace existing formal and informal discussions or other contacts among federal, state, provincial and local authorities.

II. 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 also representatives of the St. John River Planning Board, and the Northern Maine Regional Planning Commission. The members will represent the 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. The Committee should have the smallest number of members effectively to perform its functions. Advisors or observers to the Committee may be paid by Governments or serve without salary or expense allowance. 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 Joint 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.

III. Upon the completion of its efforts with regard to the co-ordination of water quality planning in the St. John River Basin, the Committee shall provide a report on its progress and activities for the Commission. If the Committee has not completed its work within one year of the date of this exchange of notes, it shall in that event provide an interim progress report for the Commission by September 30, 1973, and to the extent necessary, annually thereafter. The Committee shall also provide the Commission with copies of the proceedings of its regular meetings.

The Committee shall also provide a report on its progress and activities for the Governments of Canada and the United States as pilot and co-pilot of the Inland Water Pollution Project of the North Atlantic Treaty Organization's Committee on the Challenges of Modern Society, prior to September 30, 1973, and to the extent necessary, annually thereafter.

II

EMBASSY OF THE UNITED STATES OF AMERICA
OTTAWA, CANADA

September 21, 1972

No. 176

Sir :

I have the honor to refer to your note No. GWU 310, of September 21, 1972, with attached annex, proposing the establishment of a Canada-United States Committee on water quality in the St. John River and its tributary rivers and streams which cross the Canada-United States boundary. The proposal meets with the approval of my Government, and 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.

ADOLPH W. SCHMIDT

The Honorable Mitchell Sharp, P. C.
Secretary of State for External Affairs
Ottawa
