

From: Mears, David
Sent: Tuesday, January 31, 2012 9:30 PM
To: Lofy, Bill; MacLean, Alex
CC: Markowitz, Deb
Subject: FW: Lake Champlain Floods and potential IJC involvement
Attachments: Shumlin-Charest letter to Harper-Obama Final.pdf

Bill and Alex: Below is a quick summary of the status of Governor Shumlin's request to President Obama to request an IJC study of Lake Champlain. We will let you know as this progresses further. At some point, it will be worth a conversation with Senator Leahy's office to formally ask for help in obtaining funding for this study. I have my ears up for that moment and have been discussing preliminarily with Tom Berry who is also paying attention to this. David

David K. Mears, Commissioner

Vermont Department of Environmental Conservation

From: Bill Howland [WHowland@lcbp.org]
Sent: Tuesday, January 31, 2012 3:37 PM
To: Mears, David; 'rsstegem@gw.dec.state.ny.us'; 'jmtierne@gw.dec.state.ny.us'; Markowitz, Deb
Subject: Lake Champlain Floods and potential IJC involvement

LCBP Memorandum

To: VT ANR and NYS DEC partners
From: Bill Howland, LCBP Manager
Re: International Joint Commission – A Potential Champlain - Richelieu Flood Reference

Process, Status, and Your Contacts Requested

This memorandum is to update both Vermont ANR and New York State DEC, regarding the status of the International Joint Commission's potential involvement in a Champlain Flood Study, and to ask each state to let me know if I have identified the appropriate contacts for states' involvement in the process (see the bottom of this message).

Background:

On August 18, 2011, in a joint letter, Vermont Governor Shumlin and Québec Premier Charest requested of President Obama and Prime Minister Harper that the governments of the United States of America and Canada make a referral to the International Joint Commission (IJC), asking it to establish a special task force on the flooding of Lake Champlain and the Richelieu River. Since that date, several key steps have been taken to address their request. I have attached the letter to the President and Prime Minister for your information.

Where we now are in the IJC Reference process:

- 1) **The US State Department and Canada's Department of Foreign Affairs and International Trade** have prepared a draft letter that includes a basic summary description of the potential IJC work. The State Department has consulted and reviewed with US Federal Agencies operating in the region regarding the specific needs to be reflected in this joint letter, to target the intended work effectively and to avoid unnecessary duplication of effort. Foreign Affairs Canada has conducted a similar exercise north of the border, and the two governments now have developed common draft language for their joint letter to the IJC.
- 2) **The purpose of the joint draft letter is to let IJC know** what specific work might soon be referred to it by the two federal governments, so that IJC can suggest a timeline and estimate the costs of the task and report this back to the two federal governments.
- 3) **After the IJC's estimates are reviewed by the State Department and Foreign Affairs**, the two federal Executives will then consider if the task should be implemented, how the task would be funded, and if all is positive, they will then refer the matter to the IJC and provide the associated budget.
- 4) **The formal 'Reference'** – with adequate funding in the federal budgets of the two nations, is what triggers IJC to initiate a task on behalf of the two governments, and results in a report back to the two Executives when the task is completed.

Your involvement (VT ANR and NYS DEC):

I have been asked by the State Department to provide the appropriate contact(s) for NYS DEC and VT ANR, so it can confer with each state on the current draft description of work before sending it to the IJC. Please forward any revisions to me at whowland@lcbp.org if possible by Friday February 4th. I hope to respond to the Department of State by return email following your confirmation.

- **Vermont ANR Contacts:**

David Mears, Commissioner

VT Department of Environmental Conservation

Waitsfield State Office

Waitsfield, VT

(802) 583-7112

Email: david.mears@state.vt.us

Deborah Markowitz, Secretary

VT Agency of Natural Resources

Waitsfield State Office

Waitsfield, VT

(802) 583-7166

Email: deb.markowitz@state.vt.us

- **New York State DEC Contacts:**

Robert Stegemann, Region 5 Director

NYS DEC

PO Box 296

Raybrook, NY 12977

(518) 897-1211

Email: rsstegem@gw.dec.state.ny.us

Jim Tierney, Assistant Commissioner

Assistant Commissioner for Water Resources

NYS DEC

6625 Broadway –floor 14

Albany, NY 12233-1010

(518) 402-8545

Email: jmtierne@gw.dec.state.ny.us

Thank you for your help with this.

William G. Howland, Ph.D.
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Director, Champlain Valley National Heritage Partnership
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State of Vermont

August 18, 2011

Mr. Barack Obama
President of the
United States of America
The White House
Washington, DC 20500
UNITED STATES OF AMERICA

Mr. Stephen Harper
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario K1A 0A2
CANADA

Mr. President and Mr. Prime Minister,

During the spring, record rainfall in northeastern Canada and the United States caused Lake Champlain and the Richelieu River to reach unprecedented levels. As a result, hundreds of residents in Québec and Vermont suffered serious material damages and, in some cases, were forced to evacuate their homes.

The governments of Québec and Vermont are currently making considerable efforts to come to the aid of those affected by this disaster and contain the damage.

Looking beyond the present emergency, the tragic circumstances that communities along the Richelieu River and Lake Champlain are experiencing, both in Canada and the United States, should prompt us to analyze the causes of the flooding in order to better prevent flooding in the future, or at least mitigate its most devastating consequences.

As you know, the International Joint Commission, which was established under the Treaty between the United States and Canada relating to boundary waters, and questions arising between the United States and Canada of 1909, is mandated to assist the governments of Canada and the United States in resolving issues pertaining to boundary waters.

In the context of the floods affecting, in Québec and Vermont, the residents along Lake Champlain and the Richelieu River, the International Joint Commission could make an important contribution to our understanding of this phenomenon by producing a study and a report on its causes and identifying possible solutions that would provide governments with guidance for the future.

On behalf of our respective governments, it is in this spirit that we are requesting that the governments of Canada and the United States of America make a referral to the International Joint Commission asking it to establish a special task force on Lake Champlain and the Richelieu River. The governments of Québec and Vermont wish to participate in and collaborate on performing this study.

A study of this nature would help strengthen Canada-U.S. collaboration on environmental issues and water management. It would also bolster the dynamic regional collaboration that already exists between Québec and Vermont through the Lake Champlain Basin Program. In this respect, the Memorandum of Understanding on Environmental Cooperation on the Management of Lake Champlain among the Government of Québec and the State of Vermont deals with environmental aspects as well as the lake's water levels, recreational activities, cultural resources and the economy's vitality. Moreover, issues concerning flooding conditions will be referred to the next Lake Champlain Steering Committee.

We thank you in advance for your consideration of this request.

Yours sincerely,

A handwritten signature in dark ink, consisting of a stylized initial 'P' followed by a long horizontal line.

Peter Shumlin
Governor of Vermont

A handwritten signature in dark ink, featuring a stylized 'J' and 'C' followed by the name 'Charest'.

Jean Charest
Premier of Québec



State of Vermont

Le 18 août 2011

Monsieur Stephen Harper
Premier ministre du Canada
80, rue Wellington
Ottawa (Ontario) K1A 0A2
CANADA

Monsieur Barack Obama
Président des États-Unis d'Amérique
Maison Blanche
Washington, DC 20500
ÉTATS-UNIS D'AMÉRIQUE

Monsieur le Premier Ministre,
Monsieur le Président,

Au cours du printemps, des pluies records dans le nord-est du Canada et des États-Unis ont fait en sorte que le lac Champlain et la rivière Richelieu ont atteint des niveaux inégalés. En conséquence, des centaines de résidents du Québec et de l'État du Vermont ont subi de sérieux dommages matériels et, dans certains cas, ont dû évacuer leurs résidences.

Les gouvernements du Québec et de l'État du Vermont déploient actuellement des moyens considérables pour venir en aide aux populations sinistrées et contenir les dégâts.

La situation dramatique que vivent les communautés qui bordent la rivière Richelieu ainsi que le lac Champlain, tant au Canada qu'aux États-Unis, devrait nous amener, au-delà de la présente situation d'urgence, à analyser les causes de ces inondations de manière à mieux les prévenir dans l'avenir ou, à tout le moins, d'en mitiger les effets les plus dévastateurs.

Comme vous le savez, les États-Unis et le Canada ont créé la Commission mixte internationale parce qu'ils reconnaissent que chacun des deux pays subit les effets des activités de l'autre dans les réseaux lacustres et fluviaux le long de la frontière. Les deux pays collaborent à la gestion judicieuse de ces eaux en vue de les protéger au profit des générations d'aujourd'hui et de demain. Cette commission a été créée en vertu du Traité relatif aux eaux limitrophes de 1909.

Dans le contexte des inondations qui affectent, tant au Québec que dans l'État du Vermont, les riverains du lac Champlain et de la rivière Richelieu, la Commission mixte internationale pourrait apporter une contribution importante à notre compréhension de ce phénomène en produisant un rapport sur ses causes et en identifiant des éléments de solution qui éclaireront les gouvernements pour l'avenir.

C'est dans cet esprit que nous demandons, au nom de nos gouvernements respectifs, que les gouvernements du Canada et des États-Unis présentent un renvoi à la Commission mixte internationale pour qu'elle mette sur pied un groupe de travail spécial sur le lac Champlain et la rivière Richelieu. Les gouvernements du Québec et de l'État du Vermont voudront participer et collaborer à la réalisation de cette étude.

Une telle étude contribuerait au renforcement de la collaboration Canada-États-Unis en matière d'environnement et de gestion des eaux et appuierait la collaboration régionale dynamique qui existe déjà entre le Québec et l'État du Vermont dans le cadre du *Lake Champlain Basin Program*. À ce titre, l'Entente de coopération en matière d'environnement relativement à la gestion du lac Champlain entre le gouvernement du Québec et l'État du Vermont porte sur les aspects environnementaux mais également sur le niveau des eaux du lac, les loisirs, les ressources culturelles et la vitalité de l'économie. Le prochain comité directeur de l'entente sera d'ailleurs saisi du dossier des inondations.

Nous vous remercions à l'avance de l'attention que vous porterez à cette demande et vous prions d'agréer l'expression de notre haute considération.

A handwritten signature in black ink, consisting of a stylized initial 'P' followed by a long horizontal stroke.

Peter Shumlin
Gouverneur de l'État du Vermont

A handwritten signature in black ink, featuring a stylized 'J' and 'C' followed by the name 'Charest'.

Jean Charest
Premier ministre du Québec