



Wild Lands Advocate 13(1): 19 - 20, February 2005

Milk River Dam Report Locked in Cabinet

By Shirley Bray

Under Lorne Taylor's instructions, the Milk River Feasibility Study has been "locked in a cabinet" according to Garry Bucharski of Alberta Environment. The government is waiting for the International Joint Commission (IJC) to finish its deliberations on Montana's challenge of the international agreement regarding sharing of water of the St. Mary and Milk Rivers. AWA has written to the new environment minister, the Hon. Guy Boutillier, to ask about the status of this report and for a copy. Hopefully he can find the key to the cabinet.

Sharing Two Rivers

The Milk and St. Mary Rivers arise in Montana in or near Glacier National Park and flow north into Alberta. Milk River Ridge stands as the divide between water flowing north to the Hudson's Bay and south to the Gulf of Mexico. Within the Milk River Ridge area is the Twin River Heritage Rangeland and the confluence of the north and south forks of the Milk River. A few kilometers downstream from the confluence is the proposed site of the Milk River dam.

The St. Mary River arises in Glacier National Park and flows north into Alberta into the St. Mary Reservoir. The water becomes part of the South Saskatchewan River basin and ends up in Hudson's Bay. The Milk River meanders through 160 kms of southern Alberta, then loops back into the United States south of Manyberries and flows into Montana's Fresno Reservoir. Eventually, the waters that pass through this basin reach the Missouri River and then the Gulf of Mexico, the only Canadian river to do so.

The flow of these rivers is shared by Canada and the United States under a 1921 international agreement that was used to implement the 1909 International Boundary Waters Treaty. Under the treaty, rivers are considered as one waterway and their flows divided equally between the two countries.

A 1921 agreement specifies how the water is to be measured and allocated. Natural flow is divided equally in the winter. But during irrigation season (Apr. 1 – Oct. 30) the U.S. receives up to three-quarters of the natural flow of the Milk River and Canada three-quarters of the St. Mary River. Montana can divert some of its share of the St. Mary River into the north Milk River via a deteriorating canal that doesn't always work properly.

Without diversion of water from St. Mary, the Milk River often runs dry in summer, while the St. Mary River rarely does. A leak in the canal in July 2004 closed the canal for almost a week, resulting in significantly lower water levels in the Milk River. Montana is thinking of fixing the canal.

In April 2004 Montana Governor Judy Martz asked the IJC to reopen the 1921 agreement, arguing that Montana has been prevented from receiving its full 50 per cent share of water under the treaty. In dry years, it calculated that Montana receives around 40 per cent. Montana uses the water for irrigation and communities. Alberta argued that the agreement is fair, that it takes only the amount of water it is entitled to, and that it needs all the water it currently uses to maintain the irrigation economy of the area.

Alberta hopes to capture more of its share of the Milk River during the spring runoff by building a dam or using offstream diversions. It is likely that the 2002 meeting between Alberta's Milk River Water Management Committee and members of the international group regarding the Milk River Water Study was the catalyst for the Montana challenge.





The IJC, which includes three Canadians and three Americans, held four public meetings in July in Montana, Alberta, and Saskatchewan to seek public comment on the 1921 agreement. At the meeting in Lethbridge, most of the 300 people attending were against revising the agreement.

In December 2004 a new international task force was set up to examine the 1921 agreement and will make recommendations to improve it. Michael Byers, who holds the Canada research chair in global politics and international law at the University of British Columbia, wrote in the *Globe and Mail* (July 26, 2004) that the IJC should seek scientific advice on the long-term effects of climate change before reconsidering the agreement. He pointed out that climate change has exaggerated the natural differences between the two rivers.

The natural flow of the Milk River, which relies largely on spring runoff, has decreased due to shorter winters, longer summers, and higher overall average temperatures, which have reduced the snowpack and increased evaporation. The high alpine origin of the St. Mary River has kept its flow more stable, and its natural flow may have increased due to glaciers melting at increased rates and for longer periods each year. Therefore, the short-term impact of climate change may be working to Canada's advantage, but as the glaciers disappear, the St. Mary River could become more like the Milk River, dependent on runoff and lacking a reliable late summer and fall flow.

In comments to the IJC, both the Southern Alberta Environmental Group (SAEG) and AWA noted that the aquatic and riparian environments of the two rivers are stressed and degraded by current water management. "Healthy rivers reflect healthy societies," wrote Klaus Jericho of SAEG. "IJC is responsible for making decisions regarding the use and quality of boundary waters. If the test of common good is to be met, decisions by IJC need to consider instream flows to protect and restore the health of the aquatic environments in these shared rivers."

In the meantime the IJC Task Force must submit a work plan in February that will include provision for an appropriate public consultation process. Its final report is expected at the end of June. Alberta's representative on the Task Force is Dave McGee of Alberta Environment in Lethbridge. More information can be found at www.ijc.org.

