

Title: Exchange of Notes between the government of the United States and the government of Canada constituting an arrangement concerning temporary diversion for power purposes of additional waters of the Niagara River above the Falls.

Parties: Canada, United States

Basin: Niagara

Date: 5/20/1941

NO. 4800. - EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF CANADA CONSTITUTING AN ARRANGEMENT CONCERNING TEMPORARY DIVERSION FOR POWER PURPOSES OF ADDITIONAL WATERS OF THE NIAGARA RIVER ABOVE THE FALLS. WASHINGTON, MAY 20TH 1941.

I. THE SECRETARY OF STATE TO THE CANADIAN MINISTER.

DEPARTMENT OF STATE.

WASHINGTON, May 20th, 1941

SIR,

I have the honor to refer to conversations which have taken place recently between officials of the Governments of the United States and Canada with respect to the immediate and pressing needs for additional power in the Niagara Falls area for national defense purposes. Throughout these conversations, as well -as in previous conversations during the course of years., on the general subject of the Falls at Niagara, two objectives have been kept in mind : first, the scenic beauty of this great heritage of the two countries and second, the utilization of the power resources available there, consistent with the primary obligation of preserving the scenic beauty of the Falls.

Recent surveys have indicated that there is now idle equipment available and set up which could utilize at once an additional diversion for power purposes of 5,000 cubic feet per second on the United States side. I am informed by the defense authorities of this Government and by the Federal Power Commission that this additional power is urgently needed in connection with the Government's National Defense Program. It is, likewise understood from conversations with the appropriate Canadian officials that 3,000 cubic feet per second could immediately be utilized on the Canadian side in connection with the furtherance of the war efforts of Canada. These figures represent the two Governments and do not pretend to take into consideration all industrial requirements of the two countries in the area by reason of the present emergency.

In view of the above, and having in mind assurances of engineers that there will be no material adverse effects to the scenic beauty of the Falls, I propose through this exchange of notes that, for the duration of the emergency both Governments on October 1st, 1942, an additional diversion for power purposes of 5,000 cubic feet per second be utilized on the United States side of the Niagara River above the Falls. In making this proposal this Government is prepared to give assurances that no objection will be raised to an additional diversion of [3,000] cubic feet per second on the Canadian side of the Niagara River above the Falls. It is also proposed that the engineers of the two Governments be instructed to take such steps as may be necessary with a view to initiating forthwith the construction of works designed to distribute the flow of water over the Falls in such a manner as to preserve their scenic beauty.

Moreover, the American Government proposes that upon the entry into effect of the Agreement for the Utilization of the Water in The Great Lakes-St. Lawrence Basin signed on March 19th, 1941, the foregoing arrangements will be subject to the provisions of Article IX of the Agreement, and that it will

be open to the Commission appointed under the provisions of the Agreement and carrying out the duties imposed upon it, to take such action as may be necessary and as may come within the scope of the Agreement with regard to diversions at Niagara.

If the foregoing is acceptable to the Government of Canada, this note and your reply thereto, when approved by the Senate, shall be regarded as placing on record the understanding arrived at between the two concerning this matter.

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

For the Secretary of State

A. A. Berle, Jr.
The Honorable

Leighton McCarthy,
Minister of Canada

II. THE CANADIAN MINISTER TO THE SECRETARY OF STATE.

CANADIAN LEGATION.

No. 30I.

WASHINGTON, May 20th, 1941.

SIR,

With reference to our note of May 20th, 1941, concerning the immediate and pressing needs for additional power in the Niagara Falls area for national defense purposes, I have the honour to inform you that the Government of Canada concurs in the arrangements set forth in your note and is prepared to give assurances that no objection will be raised by the Government of Canada to an additional diversion of 5,000 cubic feet per second on the United States side of the Niagara River above the Falls.

I have the honour to be, with the highest consideration, Sir, your most obedient, humble servant,

H. H. WRONG,

For the Minister.
The Hon. Cordell Hull,

Secretary of State of the United States,
Washington, D. C.

Certified to be a true and complete textual copy of, the original arrangement in the sole language in which it was signed.

For the Secretary of State
of the United States of America:
Edward Yardley

Director of Personnel.

No. 134. EXCHANGE OF NOTES¹ BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF CANADA CONSTITUTING AGREEMENT RELATING TO THE TEMPORARY RAISING OF THE LEVEL OF LAKE ST. FRANCIS DURING LOW WATER PERIODS. WASHINGTON, 10 NOVEMBER 1941

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

WASHINGTON

November 10, 1941

No. 662.

Sir,

I have the honour, on the instructions of my Government, to enquire whether the Government of the United States of America would agree to a temporary raising of the level of Lake St. Francis during low water periods for the reasons and in the circumstances hereinafter set out:

1. The Beauharnois Light, Heat and Power, Company has for some years under the authority of the Parliament and Government of Canada diverted water from Lake St. Francis for the development of hydro-electric power.
2. In order to conserve the supply of power in the lower St. Lawrence which is needed to continue the existing export of power for aluminum production at Massena, New York, the Company have asked the Canadian Government for authority to maintain the level of Lake St. Francis at 152.0 during low water periods, subject to the maintenance of the normal regime of the Lake for levels above that elevation.
3. During these periods the water level of the Lake has fallen to 150.0 and may even fall to a lower level, whereas the mean level of the Lake is 151.7 and the normal high water 154.0. Extreme high water may go to above elevation 155.75.

¹ Came into force on 10 November 1941, by the exchange of the said notes.