



EXCHANGE OF NOTES (OCTOBER 17, 1961) BETWEEN CANADA AND THE UNITED STATES OF AMERICA CONCERNING DREDGING IN THE WOLFE ISLAND CUT TO IMPROVE AN EXISTING SHIPPING CHANNEL.

I

The Secretary of State for External Affairs to the Ambassador of the United States of America to Canada.

DEPARTMENT OF EXTERNAL AFFAIRS

No. 166

The Secretary of State for External Affairs presents his compliments to his Excellency the Ambassador of the United States of America and has the honour to refer to recent discussions between Canadian and United States officials concerning the Canadian Government's proposal to dredge Wolfe Island Cut, an existing shipping channel at the east end of Wolfe Island in the St. Lawrence River, to a grade depth of 23 feet below Lake Ontario Low Water Datum of elevation 243.00. This deepened channel would provide a shorter route than is available at present for all vessels entering and leaving Kingston Harbour to and from the St. Lawrence Seaway Shipping Channel. In order to be entirely effective, it is desirable that this channel, which would be 5,000 feet long by 450 feet wide, project into United States waters for distances varying between 200 to 330 feet across the width of the cut. The quantity of material to be dredged on the United States side of the International Boundary Line would be approximately 10,000 cubic yards or slightly less than 3% of the total dredging quantity of the project. A plan showing the dredging area in relation to the International Boundary Line is attached.*

It is proposed that the above-mentioned proposal be undertaken, subject to the following terms and conditions:

- (a) That the disposal areas for the dredged material will be located entirely within Canadian territory, and the costs of all the work on both sides of the International Boundary Line will be borne by the Government of Canada.
- (b) That the proposed dredging in United States waters will not involve either the removal or placing of material from or on upland areas; nor will it affect the water levels of either Lake Ontario or the upper St. Lawrence River.
- (c) That the Canadian Government will ensure that the contractor or contractors for the dredging operations to be performed on the United States side of the International Boundary Line will as a matter of contract responsibility be required to (i) perform and complete the work on the United States side of the International Boundary Line in accordance with the terms of this Note; (ii) be responsible for all injuries to persons and damages to property that occur as a result of fault or negligence in connection with work performed on the United States side of the International Boundary Line; and (iii) carry adequate insurance commensurate with their responsibility under (ii).

* Not attached.