

The Commission recommends the construction of the remedial works described in this report and in the Board's report which is attached hereto and made a part hereof, with such minor modifications as the Commission may deem advisable at the time of construction, the works to include:

(a) A Chippawa-Grass Island Pool control structure, extending out from the Canadian shore approximately 1550 feet into the Niagara River, parallel to the existing submerged weir and about 225 feet downstream therefrom;

(b) An excavation in the Horseshoe Cascades lying immediately upstream from the Canadian flank of the Horseshoe Falls and a crest fill on that flank about 100 feet long; and,

(c) An excavation in the Horseshoe Cascades lying immediately upstream from the Goat Island flank of the Horseshoe Falls and a crest fill on that flank about 300 feet long.

2. Recommendations concerning the allocation of the task of construction of the remedial works as between Canada and the United States of America.

The Commission recommends that the task of construction be divided between the two countries in such manner that each country would construct, generally, those portions of the works which lie within its national boundaries. On this basis, Canada would construct the Chippawa-Grass Island Pool control structure and the excavation and crest fill on the Canadian flank of the Horseshoe Falls; and, the United States would construct the excavation and crest fill on the Goat Island flank of the Horseshoe Falls, including the small amount of excavation on the Canadian side of the Boundary.

3. The Commission further recommends that the construction of the proposed remedial works be initiated at the earliest possible moment and be pressed to completion as rapidly as possible. It is especially important that construction of the Chippawa-Grass Island Pool control structure be commenced immediately and that it be constructed to its ultimate length of approximately 1550 feet unless during the course of construction the status of prospective additional power diversion should permit consideration of a shorter structure initially. The excavation and fill on either flank of the Horseshoe Falls should be started as soon as possible and substantially completed before work is begun on the excavation and fill on the other flank in order to minimize temporary adverse effects on the scenic spectacle during the construction period.

4. The Commission also recommends that the two Governments authorize it to establish a Control Board to supervise the operation of the proposed control structure to insure accomplishment of its intended purposes and to insure that the levels of the Niagara River and Lake Erie will not be adversely affected. These functions, deemed properly within the purview of the Commission, are closely related to the function of determining the amount of water available for the purposes of the Treaty of February 27, 1950. Accordingly, it would seem desirable and in the public interest that the representatives of the United States and Canada to be designated pursuant to Article VII of the Treaty be appointed by the Commission to serve also as members of the Control Board which the Commission desires to establish and hold responsible for the operation of the Chippawa-Grass Island Pool control structure.