

- (e) That the Commission shall undertake a study of the desirability of compensation and regulatory works in the Great Lakes System; and, upon the approval by the Governments of any such works, shall prepare plans for their construction and recommend to the Governments an equitable allocation of their cost. The Governments shall make arrangements by an exchange of notes for the construction of such works as they may agree upon.

ARTICLE IX

The High Contracting Parties, recognizing their common interest in preserving the scenic beauty of the Niagara Falls and Rapids, through preventing erosion and ensuring unbroken crestlines, and the prescribing of limits to the diversion of water from the River agree:

- (a) That the Commission shall prepare and submit to the Governments plans for works in the Niagara River to distribute and control the waters thereof to ensure unbroken crestlines on both the American and the Canadian Falls and to preserve and enhance their scenic beauty, taking into account the recommendations of the Special International Niagara Board. The Governments, after the adoption of final plans for the project in the International Rapids Section, shall make arrangements by an exchange of notes for the construction of such works in the Niagara River as they may agree upon, including provision for temporary diversions of the waters of the Niagara River for the purpose only of facilitating their construction. The cost of such works in the Niagara River shall be borne by the Governments in equal moieties.
- (b) That, upon the completion of the works authorized in this Article, diversions of the waters of the Niagara River above the Falls from the natural course and streams thereof additional to the amounts specified in Article 5 of the Boundary Waters Treaty of January 11, 1909, may be authorized and permitted by the respective governments of the United States and Canada to the extent and in the manner hereinafter provided:
- (1) The United States may authorize and permit additional diversion within the State of New York of the waters of said river above the Falls for power purposes, in excess of the amount specified in Article 5 of the Boundary Waters Treaty of January 11, 1909, not to exceed in the aggregate a daily diversion at the rate of five thousand cubic feet of water per second;
- (a) Canada may authorize and permit additional diversion within the Province of Ontario of the waters of