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Canada's Heritage in the St. Lawrence River

Must Not Be Compromised by the Erection of Structures in the Main Stream for Piecemeal Development of Power—Integrity of the St. Lawrence River Must Be Preserved for Deep Draft Navigation—Address Given Last Month Before the Electric Club of Toronto

By ARTHUR V. WHITE

Consulting Engineer, Commission of Conservation

ABOUT a year ago, when I had the pleasure of addressing the Electric Club, as you may recall, we traced the evolution of the circumstances associated with power development on the Niagara River, and noted how those circumstances led up to the ratification of what is known as the *Boundary Waters' Treaty* of 1910 between Great Britain and the United States and to the formation, under the Treaty, of the International Joint Commission. This Treaty now largely governs the development and use of boundary waters and is of great importance in connection with the subject before us to-day because it constitutes the chief legal agency—so to speak—for safeguarding the interests of the people of both the United States and Canada in the International St. Lawrence River.

In proceeding, it will, I believe, be profitable first to point out how it is that even a recent treaty like the *Boundary Waters' Treaty* sometimes fails to provide that effective protection to either one country or the other, which it had confidently been expected would be found actual and full. I shall illustrate by reference to some issues which have arisen under the Treaty and to some arguments advanced under discussion of these issues.

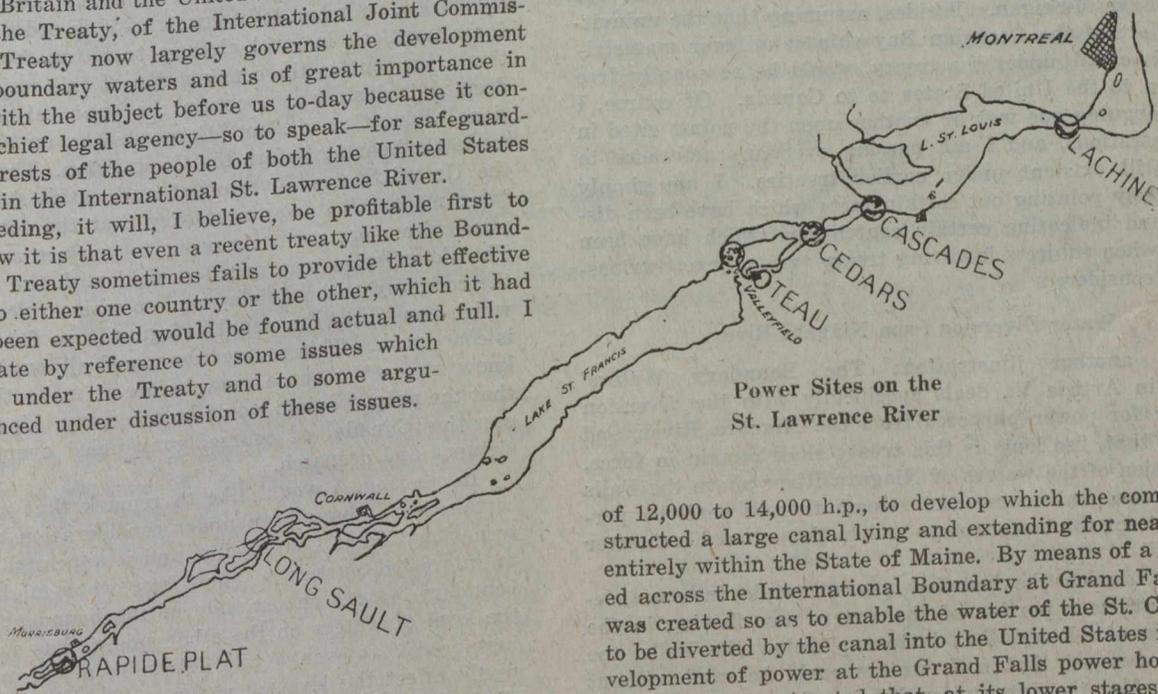
Let me here comment, that the best safeguard the citizens of Canada can have in matters affecting their natural resources, is an intelligent understanding of the real value of their assets and of the best uses to which they may be applied, coupled with a quick and discerning appreciation of what constitutes any menace to these interests, and of how to act promptly for its removal. Menace to public interest often manifests itself in obscure and subtle forms.

Let us proceed to consider a few illustrations which, owing to limitations of time, can here only be referred to suggestively.

St. Croix River Application

The boundary line between the State of Maine and the Province of New Brunswick passes along the St. Croix River—a stream of considerable size. Four or five years ago United States financial interests controlling the St. Croix

Paper Co. of the State of Maine, and operating in Canada through the Sprague's Falls Manufacturing Co., Limited—a company with a Canadian charter—undertook to increase the power installation which they already had upon the St. Croix River by erecting a new plant in the vicinity of what is known as the Grand Falls, situate about ten miles above Woodland, Me. The additional installation was to consist



of 12,000 to 14,000 h.p., to develop which the company constructed a large canal lying and extending for nearly a mile entirely within the State of Maine. By means of a dam erected across the International Boundary at Grand Falls, a lake was created so as to enable the water of the St. Croix River to be diverted by the canal into the United States for the development of power at the Grand Falls power house. This canal is so constructed that, at its lower stages, the total flow of the St. Croix River—an International Boundary stream—may be diverted into the United States. This company, after constructing their works, came before the International Joint Commission, pleaded ignorance of the law, drew special attention to their vested interests, and were finally granted a permit to utilize the works under terms greatly to their advantage.

Now, the treaty provides that, after its acceptance, no diversion from boundary waters, whether "temporary or permanent," shall be made without obtaining the necessary authority. When the St. Croix case was under discussion, counsel suggested that the word "temporary" might not mean temporary with respect to time, but temporary with respect to place. That is to say, that the diversion of the St. Croix River was not out of accord with the treaty because the river was only diverted temporarily; that is, it