

C144316

## CONVENTION AND PROTOCOL

continued only so long, not exceeding seven years from date of beginning field construction, as may be necessary to enable negotiations to be undertaken and concluded for the modification of the present International Treaty so as to permit permanent additional diversions of such amounts as may then be agreed upon.

- (8) After construction of the works herein specified, they shall be considered as parts of the bed of the Niagara River and subject to the same ownership and control as those parts of the river in which they have been constructed.

5. It is understood that where the present "International Treaty" is referred to in the foregoing, the Boundary Waters Treaty of 1909 is intended, and that where the "Board" is referred to, the Permanent International Niagara Board of Control, appointed by the two governments in 1923 to insure the proper observance of the provisions of Article V of the said Treaty, is intended. This Board would act in such matters as approval of detailed plans and direct supervision of the work.

6. It is recommended, however, that the Special International Niagara Board, appointed by the two Governments in 1926 to investigate and determine how the scenic beauty of Niagara Falls and Rapids can best be maintained, shall, throughout the period of the construction of the works herein provided for, pass upon all scenic effects resultant from the construction of such works.

(Sgd.) DEWITT C. JONES

DEWITT C. JONES,  
Major, Corps of Engineers, U.S. Army,  
United States Member  
Special International Niagara Board.

(Sgd.) J. T. JOHNSTON

J. T. JOHNSTON, C.E.,  
Canadian Member  
Special International Niagara Board.

(Sgd.) J. HORACE McFARLAND

J. HORACE McFARLAND, L.H.D.,  
United States Member  
Special International Niagara Board.

(Sgd.) CHARLES CAMSELL

CHARLES CAMSELL, LL.D., F.R.S.,  
Canadian Member  
Special International Niagara Board.

Dated the 3rd of May, 1928.

NIAGARA FALLS AND NIAGARA RIVER

C144317

## II

## PRESERVATION OF NIAGARA FALLS

## JOINT PROPOSALS OF THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AND THE NIAGARA FALLS POWER COMPANY OF NEW YORK IN RESPECT TO THE CONSTRUCTION OF REMEDIAL WORKS AT NIAGARA FALLS

April 10, 1928

April 9, 1928.

To the Special International Niagara Board:

Sirs:—In view of the conclusions contained in your Interim Report of December 14, 1927, the undersigned, the Hydro-Electric Power Commission of Ontario, of Toronto, Ontario (hereinafter called the Commission), and The Niagara Falls Power Company, of Niagara Falls, New York (hereinafter called the Company), jointly, submit the following for your consideration and for the consideration of the Governments of the United States and Canada.

In this report you have recommended certain initial remedial measures which might with advantage be undertaken at Niagara Falls in the immediate future. Submerged weirs, with incidental excavation to improve the flow over the flanks of the Horseshoe Falls, and a submerged weir in the Grass Island Pool to raise the level of the pool and increase the flow over the American Falls are specified. Because such accomplishment will mean an early and most material enhancement of the scenic beauty of the Falls in the interests of more than two million visitors annually, early construction of these works is recommended in your report as highly desirable.

You point out, in paragraphs 41 and 42 of your report, that this initial construction will afford an opportunity to the Governments of the United States and Canada to test out in practice the effect of temporary additional withdrawals of water and the sufficiency of remedial works to offset such withdrawals. It is stated that adequate facilities for additional water passage can be provided in the existing power stations on both sides of the river to permit substantial additional withdrawals of water at such times and for such periods as will most effectively demonstrate the sufficiency of such remedial works.

The Commission and the Company have consistently followed the recommendations of their respective Governments in respect of scenic improvement along the Upper Niagara River and in the Gorge below the Falls. They are always willing to do their part in preserving the scenic effects of Niagara Falls and vicinity. They believe, moreover, that it is possible to divert more water for power purposes without impairing the scenic value of the Falls and the integrity of the River, and, within a relatively short time, to retard the recession of the Horseshoe. They concur in your view that its crest can be completely covered with water in such a manner that its appearance will be appreciably enhanced and that no more effective demonstration of the efficacy of remedial works is possible than that provided by direct observation of the Falls themselves.

The facilities for additional temporary withdrawals of water through existing power stations of the Commission and the Company are sufficient to utilize a daily diversion from above the Falls of Niagara at the rate of 20,000 cubic feet per second in addition to the daily diversion at the rate of 56,000

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