

- (h) That any machine, plant, vessel, barge or operators or crews thereof, used on these works, shall not be permitted to tie up, discharge ashes, fuel oil, waste oil, etc. or to commit any other nuisance in a manner prejudicial to the health, well-being and activities of the owners and/or users of land or water areas in Canadian territory during the progress of, or subsequent to, the carrying out of these works; the attention of the United States authorities is also drawn to Section 33 of the Fisheries Act of Canada, and Section 40 of the Regulations under the Migratory Birds Convention Act which refer to the pollution of waters with specific reference to the effect upon fish and migratory birds;
- (i) Supplementary or administrative arrangements concerning this project may be made from time to time between authorized agencies of the two Governments.

The Secretary of State for External Affairs further proposes that the Ambassador's Note No. 143 of November 30, 1956, this Note and the Ambassador's reply to that effect shall constitute a special agreement under Article III of the Boundary Waters Treaty of June 11\*, 1909.

Ottawa, April 8, 1957.

### III

#### *The American Ambassador to the Secretary of State for External Affairs*

No. 239

The Ambassador of the United States of America presents his compliments to the Secretary of State for External Affairs and has the honor to refer to Note No. 81 of April 8, 1957 from the Department of External Affairs, approving on behalf of the Canadian Government, subject to certain conditions, the proposed navigation improvements which are to be undertaken in the St Marys River and the St. Clair River sections of the Great Lakes connecting channels, exclusive of the Southeast Bend of the St. Clair River.

The Ambassador has the honor to confirm the acceptance by the Government of the United States of America of the conditions set forth in Note No. 81 and agrees with the proposal made by the Secretary of State for External Affairs that the exchange of notes consisting of the Ambassador's Note No. 143, November 30, 1956, the Secretary of State's Note No. 81 and this Note shall constitute a special agreement under Article III of the Boundary Waters Treaty of June 11\*, 1909.

Embassy of the United States of America,

Ottawa, April 9, 1957.

\* Should read "January 11,".