

- (a) Canada will retain title to all its territory required for the channel. At the same time, the Government of Canada will grant and assure the United States, without charge, such rights and access, use and occupancy as may be required for the construction of the new cut.
- (b) Canada will be responsible for acquiring all the land in Canada through which the proposed new channel shall pass, and any interests required for spoil disposal area.
- (c) The spoil dredged from the new channel shall be deposited on the Canadian side of the International Boundary and placed in areas A, B, C and D marked on the attached plan and in accordance with the plans and specifications to be approved as provided for in paragraph 3 (a) herein.
- (d) Canada will be responsible for the administration and maintenance of the completed channel.
- (e) And finally, in addition to the foregoing conditions respecting the application during the construction period of the laws of Canada and the Province of Ontario in respect to unemployment insurance and of Workmen's Compensation, Canadian Law shall be applied at all times in Canada provided that, if in unusual circumstances its application may lead to unreasonable delay or difficulty in the construction of the channel, the United States Government may request the assistance of the Canadian Government in seeking appropriate alleviation. In order to facilitate the construction of the new channel, the Canadian Government will give sympathetic consideration to any such request submitted by the United States Government.

If the conditions outlined above meet with the approval of the United States Government it is proposed that this Note and the Ambassador's reply, together with the United States Embassy's Note No. 235 of May 19, 1955, shall constitute a special agreement between our two Governments under Article III of the Boundary Waters Treaty of January 11, 1909.

S. E. S.

Ottawa, February 27, 1959.

II

*The Ambassador of the United States of America to Canada
to the Secretary of State for External Affairs*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 197

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. 48 of February 27, 1959, from the Department of External Affairs, approving on behalf of the Canadian Government, subject to certain conditions, the proposed construction and dredging of a new cut-off channel in the Saint Clair River Section of the Great Lakes Connecting Channels.