

**COVERING REPORT BY SPECIAL INTERNATIONAL NIAGARA BOARD  
SUBMITTING PROPOSALS OF THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO AND THE NIAGARA FALLS POWER  
COMPANY IN RESPECT TO PROPOSED REMEDIAL WORKS AT  
NIAGARA FALLS**

*May 3, 1928*

To the Honourable the Minister of the Interior,  
Ottawa, Canada.

and

To the Honourable the Secretary of State,  
Washington, D.C.

1. Upon April 16, 1928, the Special International Niagara Board of Control received a joint letter from the Hydro-Electric Power Commission of Ontario and The Niagara Falls Power Company of New York which contains a proposal by the Commission and the power Company to construct at their own expense the remedial works at Niagara Falls recommended by the Board in its interim report submitted upon December 14, 1927. The proposal includes certain conditions, the controlling one being that the Commission and the Company shall be permitted to divert and use for power purposes certain additional quantities of water during the non-tourist season from October 1 to March 31. The joint letter is transmitted herewith, with the following comments and recommendations:

2. The works proposed to be built are those recommended by the Board in its interim report. They are urgently needed to restore and enhance the scenic effects at the Falls. If constructed according to the general plans which accompany the joint letter, modified in detail during construction to secure the exact effects desired, the works will materially improve present scenic conditions and will demonstrate beyond doubt whether the normally injurious effects of additional power diversions can be neutralized by the use of such works.

3. The diversion of additional quantities of water during construction of the works is necessary as a means of securing the exact scenic effects desired. The continuation of such diversions for a short period of years after the completion of the works is desirable to enable the effects of the works to be observed under a wide range of conditions and to enable the Commission and the Company to recover the considerable sums which they will expend in the construction of the work. Continuation of the temporary additional diversions longer than necessary to accomplish these two purposes is undesirable, as the water so used would be productive of only a part of its potential power whereas any permanent additional diversion which may be found practicable should be permitted only under conditions of complete utilization. That is, use of water in the old plants proposed to be used for the temporary diversion should be

permitted only so long as necessary to enable a determination to be reached as to whether permanent additional diversions are permissible and to accomplish the international steps necessarily preliminary to the construction of modern plants. The Board considers the period of seven years sufficient to accomplish all of these purposes, and has incorporated this change, with a few others of a minor nature, into the draft of conditions proposed by the Commission and the Company.

4. It is recommended that the joint proposal of the Commission and the Company to construct the remedial works be accepted, subject to the following conditions and understandings:—

- (1) Detailed plans, designs, methods of construction and sequence of operations shall be prepared by the Commission and the Company and submitted to the Board for its approval within three months after notice of acceptance of this proposal. Modification of details, as the work progresses, shall be made as directed by the Board.
- (2) The Commission and the Company shall secure from all Federal, Dominion, State and Provincial authorities, whose consent is required by law, the necessary permits for the construction of the proposed works. The Board will use its best efforts to assist the Commission and the Company in obtaining the said permits.
- (3) Construction of the proposed works on the flanks of the Horseshoe Falls shall be commenced not later than 90 days after receipt by the Commission and the Company of the approval of the Board and all other governmental authorities, and, subject to any interruption occasioned by governmental authority, shall be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the Board.
- (4) Construction of the proposed weir in the Grass Island Pool shall be commenced at such time as may be directed by the board after completion of the works on the flanks of the Horseshoe Falls and after receipt by the Commission and Company of the approval of the designs of the weir by the Board and all governmental authorities, and, subject to any interruption occasioned by governmental authority, shall be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the Board.
- (5) To permit observation of the effects of remedial works, after a substantial beginning shall have been made upon the works on the flanks of the Horseshoe Falls the amount of water which under the International Treaty may be diverted for power from the Niagara River above the Falls on each side of the river shall be increased by an amount not exceeding in the aggregate a daily diversion at the rate of 10,000 cubic feet of water per second during the non-tourist season from October 1 to March 31, inclusive, yearly.
- (6) The Board shall have complete supervision and control over the additional waters permitted to be diverted, with power to diminish or suspend such additional diversions.
- (7) If, upon completion of said remedial works, the withdrawal of the additional 20,000 cubic feet per second or some part thereof shall not, in the opinion of the Board, appreciably affect the scenic value of the Falls and the integrity of the river, it is understood that diversions for observation purposes, referred to under section (5) hereof, may be