

2. Exchange of Notes between Canada and the United States of October 27, 1941, relating to Utilization of Water for Power Purposes at Niagara Falls.

October 27, 1941.

Sir:

I have the honour to refer to the exchange of notes of May 20, 1941, regarding increased diversions of water for power purposes at Niagara Falls, and to conversations that have already taken place between officials of the Governments of the United States and Canada regarding the urgent need for additional power in the Niagara Falls area.

In my note of May 20th, with which you agreed on behalf of the Canadian Government, I said, in part:

In view of the above, and having in mind assurances of engineers that there will be no material adverse effect to the scenic beauty of the Falls, I propose through this exchange of notes that for the duration of the emergency and in all events subject to reconsideration by both Governments on October 1, 1942, an additional diversion for power purposes of 5,000 cubic feet per second be utilized on the United States side of the Niagara River above the Falls. In making this proposal this Government is prepared to give assurances that no objection will be raised to an additional diversion of 3,000 cubic feet per second on the Canadian side of the Niagara River above the Falls. It is also proposed that the engineers of the two Governments be instructed to take such steps as may be necessary with a view to initiating forthwith the construction of works designed to distribute the flow of waters over the Falls in such a manner as to preserve their scenic beauty.

Moreover, the American Government proposes that upon the entry into effect of the Agreement for the Utilization of the Water of the Great Lakes-St. Lawrence Basin signed on March 19, 1941, the foregoing arrangements will be subject to the provisions of Article IX of the Agreement, and that it will be open to the Commission appointed under the provisions of the Agreement and carrying out the duties imposed upon it, to take such action as may be necessary, and as may come within the scope of the Agreement with regard to diversions at Niagara.

The Honorable Leighton McCarthy, K.C.,
Minister of Canada.