

Mr. TURNER: The letter speaks for itself, I suggest.

Mr. BARTHOLOMEW: I continue:

—but at the same time their examination has raised a number of questions which we believe should be satisfactorily resolved.

We emphasize that this committee study was not exhaustive—it could not be within the limits of the board's resources—but it has been made by individuals with some competence in the field. Their observations in the attached critique are exemplary of a number of sections of the treaty and protocol which should be fully clarified and defined in the interest of avoiding different interpretations and future misunderstandings between the signatories to the treaty.

Mr. DAVIS: This is a request for clarification?

Mr. BARTHOLOMEW: Yes. Let me finish it.

These comments are made in the spirit of helpful co-operation and we would appreciate your observations on the particular matters in the critique or any information related to the modification or clarification of other clauses in the treaty and the protocol.

They attached to this another rather toned down comment which we prepared. This is the critique that was prepared by the engineering committee of the board of trade:

Article (5)

XII (5) of treaty states that the United States will modify the Libby dam operation at Canadian request if not disadvantageous to the United States. Inasmuch as it is probable that most requests by Canada to vary control which the United States would normally exercise would be to the disadvantage of the United States, the co-operation proposed under this article would appear to have a negligible benefit to Canada. For the article to be meaningful it should encompass a statement setting out specifically and quantitatively the amount of benefits to Canada in terms of incremental firm power generation over and above that which is now available.

Article (6)

Clarification is required in regard to the classification of water for "consumptive use", to protect Canada's rights in regard to the diversion of Kootenay river water. It is most probable that if Canada should elect to divert Kootenay water to the prairies, for consumptive use, some power would be feasibly developed through the fall of the water down the eastern slope of the Rocky mountains. Such incidental power development should not be used as a valid argument to disqualify the classification of the diverted water for consumptive purposes. Further, if some of the water so diverted should remain in the Saskatchewan river when it passes through the power turbine at Outlook dam, this should not prevent the water being classified as for consumptive use.

Article 7 (3)

This article has the effect of enlarging the size of the American system as defined in the treaty and which is to be considered when deciding the program of water release from Canadian storage facilities for optimum power generation.

Its effect could compel Canada to make water releases which would further reduce the optimum Canadian power generation at Mica creek and sites downstream therefrom.