

(a) confirming by exchange of notes any operating plan pursuant to Article IV of the treaty;

(b) making any election pursuant to Article VI(5) of the treaty relating to payment for flood control;

(c) agreeing to any variation of entitlement to downstream power benefits pursuant to Article IX of the treaty;

(d) confirming any electrical co-ordination arrangement made pursuant to the treaty;

(e) agreeing to any diversion of water by the United States of America pursuant to Article XIII of the treaty;

(f) agreeing, as provided for in Article XIII(6) of the treaty, to any variation in the use of water diverted by British Columbia pursuant to that article;

(g) charging the entities designated pursuant to Article XIV of the treaty with any new power or duty; and

(h) terminating the treaty.

5. Canada shall, if requested by British Columbia, endeavour to obtain the agreement of the United States of America with respect to:

(a) any variation of the operation of any dam constructed under Article XII of the treaty;

(b) any modification of the area of land in Canada required for the purposes of any dam constructed under Article XII of the treaty;

(c) any diversion of water not provided for by the treaty;

(d) any new power or duty which British Columbia wishes to impose upon the entities designated under Article XIV of the treaty;

(e) any direction which British Columbia with the concurrence of Canada wishes given to the permanent engineering board established by the treaty; and

(f) any proposal relating to the treaty which Canada and British Columbia agree is in the public interest.

6. (1) Canada shall designate the British Columbia hydro and power authority as the Canadian entity for the purposes of Article XIV of the treaty and British Columbia shall ensure that the British Columbia hydro and power authority fulfills the obligations imposed on the Canadian entity by the treaty.

(2) British Columbia may nominate one of the two persons to be appointed to the permanent engineering board established by the treaty and Canada shall upon such nomination appoint the nominee to that board.

7. (1) Canada shall do whatever is reasonably possible to ensure compliance with the treaty by the United States of America and shall not waive any default or breach by the United States of America without having consulted British Columbia.

(2) Canada shall, at the request of British Columbia, present any claim deemed reasonable by Canada arising under the treaty which British Columbia wishes made against the United States of America.

(3) Canada shall establish any arbitration tribunal necessary to settle differences under the treaty and shall, after consultation with British Columbia, defend or prosecute, as the case may be, all differences submitted to such tribunal or to the international joint commission under the treaty.

8. (1) British Columbia shall indemnify and save harmless Canada from and in respect to any liability of Canada to the United States of America arising under the treaty.

(2) British Columbia shall not be required to indemnify Canada pursuant to subsection (1) of this section in respect of any liability to the United States of America directly attributable to any action or failure to take action by Canada.

(3) Canada shall not discharge any liability in respect of which it is indemnified pursuant to subsection (1) of this section without having consulted with British Columbia.

9. British Columbia shall maintain or arrange for the maintenance of complete accounts and records relating to:

(a) the discharge of the obligations of British Columbia under this agreement;

(b) the receipt and ultimate disposal of all moneys derived from the sale in the United States of America of any downstream power benefits arising under the treaty;

(c) the receipt and ultimate disposal of all moneys and other compensation derived from the provision of flood control under the treaty; and shall comply with or arrange for compliance with any reasonable request for disclosure of any such account or record made by Canada of the permanent engineering board established by the treaty.

10. (1) Canada shall transfer to British Columbia the administration and control of any unimproved lands in Canada belonging to Canada which are required for the construction and operation of the dams and storages which British Columbia is obligated by this agreement to construct or operate.

(2) For the purposes of subsection 1 of this section the expression "lands" does not include lands forming part of an Indian reserve.

11. (1) As soon as may be convenient after execution of this agreement, Canada shall undertake negotiations with the United States of America with a view to entering into a protocol to the treaty embodying certain matters agreed to by Canada and