

SESSIONAL PAPER No. 230

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF THE ST. LAWRENCE RIVER POWER COMPANY FOR THE APPROVAL OF THE CONSTRUCTION AND MAINTENANCE OF A SUBMERGED WEIR IN THE SOUTH CHANNEL OF THE ST. LAWRENCE RIVER NEAR THE MOUTH OF ITS POWER CANAL AT MASSENA, NEW YORK.

INTERIM ORDER.

Whereas, by its application dated July 25, 1918, as subsequently amended with the permission of the Commission, the St. Lawrence River Power Company, a corporation organized under the laws of the state of New York, having its principal office at Massena, New York, applied to this Commission for its approval of the construction and maintenance of a submerged weir in the St. Lawrence river extending from the existing jetty of the said company below the intake of its power canal to Long Sault island in said river and being wholly within the territory of the United States, which construction has been authorized by the United States and approved by a permit of the Secretary of War bearing number 38786/64, dated September 10, 1917, and attached to said application, which said permit contains, among others, the following provisions:

"That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of War, it shall cause unreasonable obstruction to the free navigation of said water, the permittee will be required, upon due notice from the Secretary of War, to remove or alter the structural work or obstructions caused thereby without expense to the United States so as to render navigation reasonably free, easy and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation or other modification of the water-course hereby authorized shall not be completed, the permittee, at his own expense, and to such extent and, in such time and manner as the Secretary of War may require, shall remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the water-course. No claim shall be made against the United States on account of any such removal or alteration;" and

Whereas, said application was first presented to the Commission at its session at Atlantic City, New Jersey, on August 12, 1918, whereupon counsel appearing for and on behalf of the United States applied for an immediate hearing on said application, representing, as was also alleged by the applicant, that the said St. Lawrence River Power Company is a subsidiary of the Aluminum Company of America; that the applicant company had for many years developed hydro-electric power in its power house at Massena, N.Y., using water for that purpose taken from the South channel of the St. Lawrence river immediately below Dodges shoal via its power canal and Grasse river near Cornwall island; that the hydro-electric power thus produced is used mainly in the production of aluminum by the said Aluminum Company of America; that the demand on this company to supply aluminum is most urgent and insistent, and practically their entire output is being taken by the United States and Allied Governments for military purposes in the prosecution of the present war; that during the months of January, February, March and part of April in each year huge ice jams