

The International Joint Commission--
United States and Canada

June 25, 1952

Washington, D. C.

Sirs:

In order to determine, having regard to all other interests, whether measures can be taken to regulate the level of Lake Ontario for the benefit of property owners on the shores of the Lake in the United States and Canada so as to reduce the extremes of stage which have been experienced, the Governments of the United States and Canada have agreed to refer the matter to the International Joint Commission for investigation and report pursuant to Article IX of the Treaty relating to boundary waters signed January 11, 1909.

2. It is desired that the Commission study the various factors which affect the fluctuations of water level on Lake Ontario, including the construction in the St. Lawrence River known as "Gut Dam", and any diversion of water into or out of the Great Lakes Basin, and shall determine whether, in its judgment, action can be taken by either or both Governments to bring about a more beneficial range of stage, having regard to the proposed Plan for improvement for navigation and power of the International Rapids Section of the St. Lawrence River and the proposed method of regulation of the levels of Lake Ontario, which is an essential feature of that Plan.

3. As a result of its studies under this Reference, it is desired that the Commission shall determine whether, in its judgment, changes in regard to existing works or other measures would be practicable and in the public interest from the points of view of the two Governments, having in mind the order of precedence to be observed in the uses of boundary waters as provided in Article VIII of the Boundary Waters Treaty of 1909.

4. In the event that the Commission should find that changes in existing works or that other measures would be feasible and desirable, it should indicate how the interests on either side of the boundary would be benefited or adversely affected thereby. The Commission should estimate the cost of such changes in existing works or of such other measures, including indemnification for damage to public and private property arising therefrom and the cost of any remedial works that may be found to be necessary. With due regard to Section 6 of this Reference and to the arrangements presently being proposed for the development of power in the International Rapids Section of the St. Lawrence River, the Commission should indicate how the cost of any measures and the amounts of any resulting damage should be apportioned between the interests involved.

5. In the conduct of its investigation and otherwise in the performance of its duties under this Reference, the Commission may utilize the services of engineers and other specially qualified personnel of the technical agencies of Canada and the United States and will as far as possible make use of information and technical data heretofore acquired by such technical agencies or which may become available during the course of the investigation, thus avoiding duplication of effort and unnecessary expense.

6. It is the desire of both Governments that consideration of this Reference shall not delay action by the Commission with respect to applications submitted to the Commission concerning the development of power in the International Rapids Section of the St. Lawrence River.

Very truly yours,

David Bruce

Acting Secretary of State