

## POWER AUTHORITY OF THE STATE OF NEW YORK

10 COLUMBUS CIRCLE

NEW YORK 19, N. Y.

AREA CODE 212 - CO 5-6510

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April 8, 1963

The Honorable Dean Rusk  
Secretary of State  
Department of State  
Washington 25, D. C.

Dear Mr. Secretary:

Power Authority of the State of New York seeks approval of construction operations on the United States side of the Niagara River which will result in reducing the elevation of a shoal located near Tower Island. This request is made pursuant to the International Boundary Waters Treaty of 1909 between Great Britain and the United States and the 1950 Treaty between Canada and the United States Respecting the Waters of the Niagara River.

The area of the proposed excavation is indicated on the attached drawing numbered 210-B-1002. The location of the cofferdam proposed to be used in the course of the work is indicated on the attached drawing 210-B-1003. Both drawings were prepared at our request by the Hydraulic Department of The Hydro-Electric Power Commission of Ontario as indicated by legends on the drawings.

By an order dated August 15, 1961 the International Joint Commission approved the construction of a five-gate extension to the control structure built as part of the remedial works carried out pursuant to the 1950 Treaty.

Experience during the winters of 1961-2 and 1962-3 indicates that removal of the shoal above Elevation 555.0 is necessary. This experience has shown that the effectiveness of the ice-flushing channel provided along the United States side of the Chippawa-Grass Island Pool is reduced during ice runs because of this shoal which is downstream of the ice escape channel. The reduction of this shoal will assist during ice runs in the maintenance of the established pool level range.

The reduction of the shoal area is also desirable as a preventive measure against flooding and to facilitate use of all water available under the 1950 Treaty for power purposes. Upon completion of this reduction the ability to maintain the pool levels within the elevation ranges and the distribution of flows over the Falls as required by Treaty will be unimpaired.

The Hydro-Electric Power Commission of Ontario concurs with the Power Authority that the proposed construction work is both desirable and necessary.

The Power Authority shall be responsible for the disposition of claims and for the satisfaction of any valid claims for physical injury or damage to persons or property in connection with the proposed construction activities.

The Power Authority shall be responsible for bearing the cost of the work. This cost will be shared by The Hydro-Electric Power Commission of Ontario pursuant to arrangements made between the two power entities. No part of the cost will be borne by the governments of the United States or Canada.

It is respectfully requested that this application be referred to the International Joint Commission.

Very truly yours,

/s/ James A. FitzPatrick

James A. FitzPatrick  
Chairman

Atts.