

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATIONS OF THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AND THE POWER AUTHORITY OF THE STATE OF NEW YORK FOR APPROVAL OF THE CONSTRUCTION AND OPERATION ON A TEST BASIS OF A BOOM NEAR THE OUTLET OF LAKE ERIE TO REDUCE THE DISCHARGE OF ICE INTO THE NIAGARA RIVER.

SUPPLEMENTARY ORDER

WHEREAS

The International Joint Commission, by an Order of Approval, dated June 9, 1964, approved on a trial basis the construction and operation by The Hydro-Electric Power Commission of Ontario and the Power Authority of the State of New York of a boom near the outlet of Lake Erie to reduce the discharge of ice into the Niagara River;

By a Supplementary Order dated May 25, 1965, the Commission amended the said Order of Approval;

In July, 1967, the Commission, pursuant to condition (h) of the Order of Approval as amended, fixed May 15, 1972, as the termination date of the said Order of Approval;

The said Order of Approval provides that complete closure of the boom shall not be accomplished before the first Monday of December and that all sections of the floating boom shall be opened by the first Monday of April;

At the Commission's request the International Niagara Board of Control has reviewed the operation of the boom and has advised the Commission that greater flexibility in the prescribed dates for closing the boom in the Fall and opening it in the Spring would be desirable;

Pursuant to published notices, a hearing was held in Buffalo, New York, on July 29, 1969, at which all persons interested were afforded opportunity to present evidence and be heard before the Commission regarding the desirability of further amending the said Order of Approval to permit such greater flexibility in operation of the boom;

Testimony presented at the hearing indicated: that the boom had had no adverse effects on interests along the Niagara River and had contributed to significant benefits in increased power production and reduced ice damage to shore properties during the periods when the boom was in place; that prior to 1964 serious ice damage had occurred along the river on several occasions because of large ice discharges from Lake Erie during the month of April; that similar large ice discharges from Lake Erie could occur in the future after the first Monday of April when, in accordance with the said Order of Approval, all sections of the floating boom would be open; and that the times for closing the boom in the Fall and opening it in the Spring should be determined in light of weather and other conditions then prevailing;

At the hearing concern was expressed that allowing the boom to remain closed beyond the date prescribed in the Order of Approval might, under certain weather conditions, have adverse effects on navigation at the entrance to the Welland Canal and in Buffalo Harbour unless the opening date was determined each year in the light of conditions then existing;

At the hearing there was no objection to complete closure of the boom being accomplished before the water temperature, as recorded at the Buffalo water intake, declines to 32° F., which normally occurs near the end of December; and

WHEREAS the Commission having approved the construction and operation of the boom on a trial basis, is of the opinion that greater flexibility in operation of the boom is desirable in order to observe the effectiveness of the boom under varying conditions of weather and flows.

NOW THEREFORE THIS COMMISSION ORDERS AND DIRECTS that the Order of Approval issued by the International Joint Commission on June 9, 1964, as amended by Supplementary Order issued May 25, 1965, be and the same is hereby further amended as follows:

1. Condition (d) of the said Order of Approval is amended by deleting the word "later" and substituting the word "other" and by adding at the end the words "having regard to the weather and other conditions prevailing in that year."

Condition (d) will then read as follows:

"(d) Installation of the floating boom and the transverse cable shall commence not earlier than 1 November and complete closure shall not be accomplished before the first Monday of December or such other date as may be communicated to the Applicants by the Commission, through the said Board of Control, having regard to the weather and other conditions prevailing in that year."

2. Condition (e) of the said Order of Approval is deleted and the following substituted therefor:

"(e) All sections of the floating boom shall be opened on a date to be fixed each year by the Commission, acting on the advice of its International Niagara Board of Control and in light of weather and other conditions prevailing in that year. Disassembly of the boom shall be completed by 15 May each year. However, the Commission retains the right to require the opening or removal of all or any part of the boom at any time because of the existence of an emergency situation."

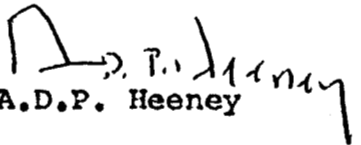
3. Condition (g) of the said Order of Approval is deleted and the following substituted therefor:

"(g) In order that it may be in a position to provide informed advice to the Commission as contemplated in condition (e) above, the International Niagara Board of Control shall consult each year with representatives of the Applicants, the St Lawrence Seaway Authority, the Niagara Frontier Port Authority and such other interests as the Board considers may be affected by the opening of the boom."

4. Condition (h) of the said Order of Approval is amended by deleting "1966" and substituting "1970". Condition (h) will then read as follows:

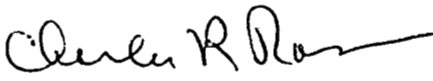
"(h) This approval shall terminate on the 15th day of May, 1970, unless the Commission at the request of the Applicants, fixes a later termination date."

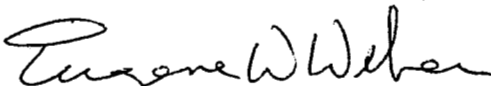
Signed this 3rd day of October, 1969.

  
A.D.P. Heeney

  
René Dupuis

  
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Charles R. Ross

  
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