

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF ONTARIO HYDRO AND THE NEW YORK POWER AUTHORITY FOR APPROVAL OF THE OPERATION AND MAINTENANCE OF A BOOM NEAR THE OUTLET OF LAKE ERIE TO REDUCE THE DISCHARGE OF ICE INTO THE NIAGARA RIVER

SUPPLEMENTARY ORDER

April 17, 1996

WHEREAS Lake Erie is a boundary water within the meaning of the Preliminary Article of the Boundary Waters Treaty which was signed on January 11, 1909;

WHEREAS in accordance with Article III of the Boundary Waters Treaty, Ontario Hydro and the New York Power Authority, hereinafter referred to as "the Applicants", submitted through Governments, complementary applications dated March 2, 1964, to the International Joint Commission for approval of the construction and operation, on a test basis, of a boom in Lake Erie near the entrance to the Niagara River;

WHEREAS the Commission, by Order of Approval dated June 9, 1964, approved, on a trial basis, the construction and operation by the Applicants of a boom near the outlet of Lake Erie to reduce the discharge of ice into the Niagara River;

WHEREAS the Commission has by Orders of Approval dated September 25, 1980 and January 18, 1984, by Supplementary Orders dated May 25, 1965 and October 3, 1969, and by Decisions dated April 10, 1966, July 12, 1967, August 6, 1970, and April 21, 1975 extended and amended the approval given to the Applicants to construct and operate the boom;

WHEREAS the latest Order of Approval with respect to this matter issued by the Commission on January 18, 1984 states that the Commission will retain jurisdiction over the subject matter of these Applications and, after giving such notice and opportunity to all interested parties to make representations as the Commission deems appropriate, may make such further Order or Orders relating thereto as may be necessary in the judgement of the Commission;

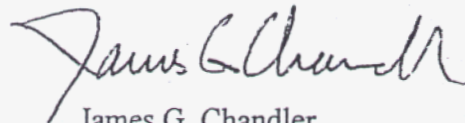
WHEREAS the Applicants have informed the Commission that, within the constraints of the Commission's Order, they want to conduct a field demonstration during the 1995-96 or 1996-97 ice seasons in which certain timbers in the boom would be replaced by steel pontoons which are expected to reduce the amount of ice overtopping the boom and that, if the field test is successful, they want to replace some additional or all timbers with steel pontoons;

WHEREAS the International Niagara Board of Control has informed the Commission that the field demonstration will not cause any adverse effects; notified the public in advance where information regarding the proposed field test would be presented; provided

information on the proposed ice boom changes at a public forum in Buffalo, New York, on March 19, 1996; and received no comments;

NOW THEREFORE THIS COMMISSION ORDERS THAT ITS ORDER OF APPROVAL OF JANUARY 18, 1984 IS HEREBY AMENDED TO PERMIT THE APPLICANTS TO CONDUCT FIELD DEMONSTRATIONS DURING THE 1996-97 ICE SEASON IN WHICH 13 TIMBERS IN EACH OF 5 SPANS (SPANS N-R) WILL BE REPLACED WITH 11 - 76 CENTIMETRE (30 INCH) DIAMETER STEEL PONTOONS. THESE DEMONSTRATIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE CONDITIONS IN THE ORDER OF APPROVAL OF JANUARY 18, 1984. THE INTERNATIONAL NIAGARA BOARD OF CONTROL SHALL EVALUATE THE FIELD TEST AND INFORM THE COMMISSION WHETHER, IN ITS JUDGMENT, THE TEST WAS SUCCESSFUL. IF THE COMMISSION CONCLUDES THAT THE TEST WAS SUCCESSFUL AND THAT NO ADVERSE CONSEQUENCES EITHER OCCURRED OR WERE ANTICIPATED AS A RESULT OF CHANGING THE MATERIAL USED FOR THE PONTOONS, THE ORDER IS FURTHER AMENDED TO REMOVE REFERENCE TO THE MATERIALS USED FOR THE PONTOONS.

By the Commission



James G. Chandler
Acting Secretary
United States Section