

new folder.
Supplementary Reference 86-1-1:2

OFFICE OF
THE UNDER SECRETARY OF STATE
FOR EXTERNAL AFFAIRS

Ottawa,

February 1, 1968.

Dear Sir,

The Governments of the United States and Canada have reviewed the letter of the Commission dated November 6, 1967 reporting on steps that have been taken thus far to investigate measures to preserve or enhance the beauty of the American Falls at Niagara as requested by the two Governments in their reference of March 31, 1967. The Governments intend to proceed by way of a special agreement to authorize construction of a temporary coffer dam above the American Falls as recommended by the Commission's International Board, but it now appears that it will not be possible for the United States Army Corps of Engineers to secure the necessary funds for the project in time to permit construction in 1968 as originally proposed by the Board.

The two Governments have accordingly decided to defer for the present any agreement on this subject pending an investigation and report by the Commission on the suggestion made by the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario that water temporarily diverted from the American Falls be made available to and shared between them for power purposes. Specifically, the Commission is requested, after appropriate consultation with the power entities and with other interested parties, to furnish its report and recommendations on the following questions:

- (1) What volumes of water at what hours of the day would it be feasible and desirable to authorize for power diversions while the coffer dam is in place?
- (2) What would be the effect of such diversions on levels, scenic attributes and uses of the Lower Niagara River, including in particular the effect on navigation in the Maid of the Mist Pool?

The Secretary,
Canadian Section,
International Joint Commission,
151 Slater Street,
O T T A W A.

- (3) Assuming that temporary power diversions are authorized by the two Governments, what terms and conditions should be imposed to protect downstream interests?
- (4) What financial contribution should the two power entities be requested to make out of the net power benefits realized by them to the costs of the coffer dam installation and removal, and of the investigation?

Bearing in mind the relevance of these questions to the obligations contained in the Niagara Treaty of 1950, adverted to in the reference of March 31, 1967, the Commission is requested to investigate and report expeditiously to the two Governments, if at all possible no later than April 15, 1968.

A similar letter is being sent to the United States Section of the Commission by the State Department in Washington.

Yours sincerely,

(signed) M. Cadieux

Under-Secretary of State
for External Affairs