

The International Joint Commission
United States and Canada

Washington, D. C., and
Ottawa, Canada

Sirs:

1. The Government of the United States hereby submits to the International Joint Commission, under the provisions of the Boundary Waters Treaty of January 11, 1909, this Application requesting that the Commission approve the construction of certain works, as described in section 8 of this Application, and the operation of such works under the conditions specified in section 10 of this Application, in the International Rapids Section of the St. Lawrence River, giving consideration to such effects as the construction and operation of these works may have on the levels of water resulting therefrom to be maintained in Lake Ontario and the St. Lawrence River.

2. This Application is filed with the understanding on the part of the United States:

- a. That, in addition to the works specified in section 8 which are covered by this Application and which are to be constructed by entities to be designated by the Government of the United States and the Government of Canada, Canada will construct, maintain, and operate all such works as may be necessary to provide and maintain a deep waterway between the Port of Montreal and Lake Erie;
- b. That such deep waterway will be provided as nearly as possible concurrently with the completion of the power development works in the International Rapids Section as

described in this Application; and

c. That, in accordance with the standards contained in the proposed Agreement between Canada and the United States for the development of navigation and power in the Great Lakes-St. Lawrence Basin, signed March 19, 1941, and the specifications of the Joint Board of Engineers, dated November 16, 1926, such deep waterway will afford a controlling channel depth of 27 feet, with locks approximately 800 feet long, 80 feet wide, and 30 feet over the sills.

3. This Application is filed in contemplation of the filing of a similar Application by the Government of Canada. It is requested that both Applications be considered as in the nature of a joint Application for approval of the construction of the works to be jointly undertaken by an entity to be designated by the Government of the United States and an entity to be designated by the Government of Canada.

4. The International Rapids Section of the St. Lawrence River is located in Canada within the Province of Ontario and in the United States within the State of New York. Throughout its length of approximately 48 miles from Chimney Point in the State of New York, downstream to the Village of St. Regis, New York, it is traversed by the International Boundary which follows generally the thread of the stream and which forms a part of the boundary line between the United States and Canada.

5. The International Rapids Section of the St. Lawrence River since 1860 has an observed average flow of 237,000 cubic feet per second, with an aggregate fall of 92 feet. The total drainage area of the river at

Cornwall, Ontario, is approximately 303,000 square miles, including 95,000 square miles of water surface. A suitable site is available at the foot of Barnhart Island near Cornwall, Ontario, and Massena, New York, for the development of the potential power of this section of the river. The water available would justify an installation of 2,200,000 horse power of hydroelectric generating capacity with an average annual output of approximately 12,600,000,000 kilowatt-hours of energy. The St. Lawrence River is navigable throughout its entire length but navigation through the International Rapids Section, the Soulanges Section, and the Lachine Section, which sections lie between Chimney Point, New York, and Montreal, Quebec, a distance of 115 miles, is effected by a series of canals and locks, with a controlling depth of 14 feet, by-passing a series of rapids. (A map of the Great Lakes-St. Lawrence Basin, Exhibit 1, is attached and made part of this Application.)

6. The development of the International Rapids Section of the St. Lawrence River has heretofore been recommended by the International Joint Commission in its report dated December 19, 1921, and by the St. Lawrence Commission of the United States in its report dated December 27, 1926, and by the Canadian National Advisory Committee in its report of January 11, 1928, as an important stage in the progressive program for the development of the entire Great Lakes-St. Lawrence Basin.

7. The United States St. Lawrence Advisory Committee (consisting of representatives of the Department of State, the Corps of Engineers, United States Army, the Federal Power Commission, and the Power Authority

of the State of New York) and the Canadian Temporary Great Lakes-St. Lawrence Basin Committee (consisting of representatives of the Department of External Affairs, the Department of Transport, the Hydro-Electric Power Commission of Ontario and the Quebec Streams Commission) in a joint report dated January 3, 1941, recommended among other things the various works to be constructed in connection with power development in the International Rapids Section. Pursuant to the provisions of Executive Order 8568 issued by President Franklin D. Roosevelt on October 18, 1940, the Corps of Engineers, United States Army, in co-operation with public agencies of the United States and Canada has, among other things, prepared general plans and specifications for the power development in the International Rapids Section and contract plans and specifications for initial construction features. (A plan showing the major works to be performed in the International Rapids Section of the St. Lawrence River, Exhibit 2, is attached and made part of this Application; a water profile map of the International Rapids Section, Exhibit 3, showing water levels in connection with the proposed works is attached and made part of this Application.)

8. This Application requests approval of the construction of certain works, jointly by entities to be designated by the respective governments, in accordance with the "Controlled Single Stage Project (238-242)" which was part of the Report of January 3, 1941, referred to in the preceding paragraph, containing the features described below and shown in Exhibit 2.

a. Channel Enlargements - Channel enlargements will be undertaken from above Chimney Point to below Lotus Island,

designed to give a maximum mean velocity in any cross-section of the channel which will be used for navigation not exceeding four feet per second at any time, also between Lotus Island and Iroquois Point and from above Point Three Points to below Ogden Island designed to give a maximum mean velocity in any cross-section not exceeding two and one-quarter feet per second with the flow and at the stage to be permitted on the first of January of any year, under regulation of outflow and levels of Lake Ontario in accordance with Regulation Method No. 5, as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September 1940. Downstream from the power houses channel enlargements will be carried out for the purpose of reducing the tail water level at the power houses.

Final locations and cross-sections of these channel enlargements will be determined from further studies.

- b. Control Facilities - Adequate control facilities will be constructed for the regulation of the outflow from Lake Ontario.
- c. Power House Structures - The power house structures will be constructed in the north channel extending from the lower end of Barnhart Island to the Canadian shore, and so located that one structure will be on each side of the International Boundary. Each power house structure will include the main generating units to utilize

economically the river flows available to it, with provision for ice handling and discharge sluices.

d. Dams and Associated Structures - A control dam will be constructed extending from Iroquois Point on the Canadian side of the river in an easterly direction to the United States mainland above Point Rockway.

A dam will be constructed on the Long Sault Rapids at the head of Barnhart Island.

Dykes and associated works will be provided as may be necessary in both New York State and the Province of Ontario.

All the works in the pool below the control dam will be designed to provide for full Lake Ontario level.

e. Highway Modifications - In both the State of New York and the Province of Ontario provincial and state highways, and other roads, will be relocated in those portions subject to flooding, and reconstructed to standards at least equal to those now in existence.

f. Railway Modifications - Such railway relocations as may be required as a result of the works herein described will be made in the State of New York and the Province of Ontario to standards at least equal to those now in existence.

g. Navigation Facilities - Provision will be made for the continuance of fourteen-foot navigation throughout the International Rapids Section, during the construction period.

h. Flooded Areas - Lands and buildings in both the State of New York and in the Province of Ontario will be acquired or rehabilitated as required. Inundated wooded areas will be cleared.

9. a. The entity to be designated by the United States to construct the proposed facilities shall submit to the United States for approval, prior to and during the progress of construction of the works, all detailed plans of the works, or of parts thereof, or such of these plans as the United States may require and such programs of construction as the United States may require, and before proceeding with the works shall obtain the approval of the United States thereof in writing, and, such entity before making any change in the site or in the general or detailed plans which have been so approved, or in the works constructed or under construction in pursuance thereof, shall submit to the United States for approval, all plans of such proposed changes, or such of these plans as the United States may require, and before proceeding with the changes shall obtain the approval of the United States thereof in writing. (It is understood that the approval of the United States, as provided for above, will not be unreasonably withheld or delayed.)

b. The Applicant requests the approval of the International Joint Commission for the establishment by the two Governments

of a joint engineering board consisting of an equal number of representatives of the United States and Canada, to be designated by the respective Governments for the purpose of reviewing, supervising, and coordinating the plans, specifications, and construction of the works specified above.

10. The works shall be designed, constructed, operated, and maintained according to the following conditions:

a. All main features of the project described herein shall be so planned, located, constructed, and operated as to be adaptable to the improvement of the International Rapids Section of the St. Lawrence River for navigation purposes, to the aid and benefit of commerce and navigation, and to the preservation of the rights and interests of the United States and Canada in the waters of the International Rapids Section of the St. Lawrence River under the Boundary Waters Treaty of 1909. The works shall be operated and maintained in conformity with the requirements of the prior rights and interests of navigation on the St. Lawrence River and in such a manner as to protect the rights and interests of others engaged in the development of power in the river below the International Rapids Section. The maintenance and operation of the works on the United States side of the International Boundary shall be subject to the supervision of the United States.

b. Upon completion of the works, and if necessary during the construction thereof, and subject to the provisions of paragraph (e) of this section, the discharge from Lake Ontario and the flow through the International Rapids Section shall be regulated in accordance with Method of Regulation No. 5 as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September 1940, and shall be based on the Rule Curves forming part of that Method of Regulation. This Method of Regulation is designed to permit the lowering of the extreme high water levels and the raising of the extreme low water levels of Lake Ontario. Copies of these Rule Curves, with a description of the method of their application, are attached hereto as Exhibit 4.

c. Subject to the provisions of paragraph (e) of this section, the flow through the International Rapids Section in any period shall equal the discharge from Lake Ontario as determined for that period in accordance with Method of Regulation No. 5 referred to in paragraph (b) of this section and this flow shall be maintained uniformly throughout that period.

d. A "Board of Control" (referred to hereinafter as the Board) consisting of an equal number of representatives of the United States and Canada shall be established by the International Joint Commission. The duties of the

Board shall be to ensure compliance with the conditions in regard to the regulation of the discharge from Lake Ontario and the flow through the International Rapids Section as set forth hereinbefore, and to carry out such other duties as may be delegated to it by the International Joint Commission.

- e. The Board may temporarily modify or change any or all of the restrictions as to flow and water levels as specified above in order to carry out experiments for the purpose of determining what permanent modifications or changes may be advisable, and after such experiments the Commission may recommend to the two governments any modifications or changes considered advisable, and the two governments, consistent with the provisions of paragraph (a) above may, by exchange of notes, make such modifications or changes permanent.
- f. Upon the completion of the works, they shall be operated initially with the water level at the power houses held at a maximum elevation of 238.0, sea level datum, for a test period of ten years or such shorter period as may be approved by the Commission, and in the event that the Board considers that operation with the water level at the power houses held to a maximum elevation exceeding 238.0 would be practical, the Commission may authorize operation at a maximum elevation exceeding 238.0.

11. The Applicant requests approval of such allocation between the respective entities, as may hereafter be submitted, of the cost of constructing, maintaining, and operating the works covered by this Application.

12. The entity or entities in the United States which will construct and will operate the United States part of the project will be such entity or entities as may be authorized by the Congress, or licensed by the Federal Power Commission under the Federal Power Act. This Application is submitted with the understanding that approval thereof by the International Joint Commission will not relieve any entity which may be authorized to construct or operate the United States part of the project from compliance with valid laws of the United States, now in force or hereafter enacted by the Congress, or with regulations now in force or hereafter issued by the Federal Power Commission, applicable to the development and utilization of the United States share of the waters of the International Rapids Section of the St. Lawrence River.

13. In submitting this Application, the United States expressly reserves all its existing rights in the Great Lakes and the St. Lawrence River including among others the rights mutually extended to the United States and Canada under the Boundary Waters Treaty of 1909 as follows: to undertake and carry on governmental works, in the International Rapids Section or elsewhere in boundary waters, for the deepening of channels and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other; to enjoy free and open navigation of all boundary

waters and of all canals connecting boundary waters, now existing or which may hereafter be constructed, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free and open navigation; and to adopt rules and regulations governing the use of such canals within its own territory and to charge tolls for the use thereof, provided that all such rules and regulations and all tolls shall apply equally alike to the inhabitants and vessels of both countries and that they shall be placed on terms of equality in the use thereof.

14. The reference of this Application to the International Joint Commission shall not preclude action by the Congress of the United States to approve the United States-Canadian Agreement of March 19, 1941, at any time prior to the withdrawal or lapsing of such agreement upon notice by either Government, nor shall it preclude the enactment by the Congress at any future time of legislation consistent with this Application governing the United States part of any project for the development and utilization of the United States share of the waters of the International Rapids Section of the St. Lawrence River.

15. In view of the increasing demand necessitating additional sources for the supply of electric power in the United States and an urgent need for immediate action, the applicant requests that, consistent with its rules of procedure the International Joint Commission give priority to this application and expedite its consideration thereof and its action thereon so that the construction of the project may be undertaken at the earliest possible date.

16. This communication will, it is believed be found by the Commission to contain all essential averments regarding the facts upon which this Application is based and the nature of the Order of Approval desired, and to be in conformity with the provisions of Rules 6 and 7 of the Commission's rules of procedure.

17. In order to avoid unnecessary expense and the duplication of engineering investigations already made, the Government of the United States will place at the disposal of the Commission engineering data relating to this project which it possesses at the date of this application and such engineering personnel as may be available to assist the commission in the performance of its duties under this Application.

The required additional copies of this Application are being forwarded to you under separate cover.

Very truly yours,

David K. Bruce
DAVID K. BRUCE
ACTING SECRETARY OF STATE

ENCLOSURES:

Exhibits 1, 2, 3 and 4

June 30, 1952.