

INTERNATIONAL
ST. LAWRENCE RIVER BOARD OF CONTROL

Washington, D. C.

4 April 1961

TO: International Joint Commission
Washington, D. C.
Ottawa, Canada

Gentlemen:

Pursuant to advice forwarded to your Commission by telegram on 21 November 1960, the Board at its meeting today considered the matter of certain discretionary authority that appears desirable for the Board to have with respect to the regulation of Lake Ontario. The Board herein discusses the matter and submits its proposal in this regard.

The report on Regulation of Lake Ontario, Plan 1958-A recognizes that for application of the plan to actual winter operation, temporary deviations will be necessary because the occurrence of ice and its break-up during any individual year will differ from the simplifying assumptions which were used in the design of the plan. Operational Guides for Plan 1958-A discuss temporary deviations from the plan under winter operations and emergency situations. In view of approval by the Commission of those reports and favorable acceptance by the Commission of the Board's letter of 5 October 1960 with respect to its regulation responsibilities and arrangements, the Board feels that it now has authorization sufficient to provide for the prompt remedial action which may be necessary under winter operations and emergency situations.

The discretionary authority that the Board now recommends would be in addition to the authority which it already has, as described above. Such discretionary authority would permit the Board to depart temporarily from the plan when a deviation in outflow from Lake Ontario, of limited magnitude and duration, would provide relief from adverse effects to an interest concerned with the regulation of Lake Ontario, without appreciable adverse effects to any of the other interests concerned, either during the period of the deviation or subsequent thereto. It is recommended that, if such authority is granted, it be exercised by the Board in strict accordance with the following principles:

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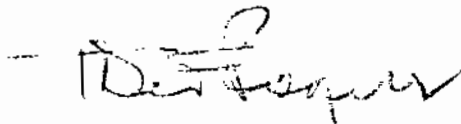
1. That the approved range of stage for the regulation of Lake Ontario and the criteria and other requirements of the Commission's Orders of Approval of 29 October 1952 and 2 July 1956 shall not be violated as a result of the deviation.
2. That the deviation shall have unanimous approval by the Board prior to commencement of such deviation.
3. That, following such deviation in Lake Ontario outflow and subject to the conditions of that deviation, the cumulative deviation from the corresponding procedural value shall be eliminated in accordance with the rules of Operational Guides for 1958-A.
4. That any deviation agreed to by the Board shall be promptly reported to the Commission.
5. That, in the event of a disagreement among the members of the Board with respect to a proposed deviation, which they are unable to resolve, regulation advice shall be in accordance with the procedures then in effect and the matter shall be referred to the Commission for decision.

The Board recommends that it be granted discretionary authority to permit deviation from strict application of the regulation plan, in addition to the deviations required for winter operations and emergency situations, whenever in its opinion such deviations would provide beneficial effects or relief from adverse effects to one interest without appreciable adverse effects to others and would not endanger meeting the criteria and other requirements of the Commission's Orders of Approval, all subject to the five principles set forth above.

Sincerely yours,



T. M. Patterson
Chairman, Canadian Section
International St. Lawrence
River Board of Control



T. DeF. Rogers
Brigadier General, USA
Chairman, United States Section
International St. Lawrence
River Board of Control