

## INTERNATIONAL JOINT COMMISSION

### Directive Constituting the International Niagara Board of Control

Whereas, under the terms of the Treaty between Canada and the United States of America concerning uses of the waters of the Niagara River, signed at Washington February 7, 1950, and duly ratified, both Governments recognized their primary obligation to preserve and enhance the scenic beauty of the Niagara Falls and River, and, consistent with that obligation, their common interest in providing for the most beneficial use of the waters of that River; and

Whereas the Governments of Canada and the United States of America submitted References in like terms to the International Joint Commission on 10 October, 1950 requesting the Commission to investigate and make a report to the two Governments containing:

- (1) Recommendations concerning the nature and design of the remedial works necessary to enhance the beauty of the Falls in the Niagara River by distributing the water so as to produce an unbroken crestline on the Falls, in accordance with the objectives envisaged in the final report submitted to Canada and the United States of America on December 11, 1929, by the Special International Niagara Board and bearing in mind the provisions for the diversion of the waters of the Niagara River and the apportionment thereof, which have been agreed upon by the two Governments in the Treaty of February 27, 1950, respecting the uses of the waters of the Niagara River.
- (2) Recommendations concerning the allocation of the task of construction of remedial works as between Canada and the United States of America, having regard to the recommendations made under paragraph (1).
- (3) An estimate of the costs of such remedial works; and

Whereas, accordingly the International Joint Commission submitted its report and recommendations to the two Governments under date of 5 May, 1953; and

Whereas the recommendations of the International Joint Commission with respect to construction of the remedial works have been approved by the Government of Canada and the United States of America, the Canadian Section of the Commission having been notified of such approval by letter dated 21 July, 1953, signed by the Under-Secretary of State for External Affairs; and the United States

Section of the Commission having likewise been notified thereof by letter dated 21 July, 1953, signed by the Under-Secretary of State; and the two Governments have thereby advised the Commission that the construction of the aforesaid remedial works shall be undertaken pursuant to such notification under the supervision of the International Joint Commission; as provided in Article II of said Treaty of February 27, 1950.

Now, Therefore, the International Joint Commission orders and directs:

1. That a Board, to be called the International Niagara Board of Control, be and is hereby established, to consist of two Canadian members and two United States members. The Canadian members shall be nominated by the Canadian Section of the Commission, and all members shall be appointed by the Commission, One of the Canadian Board members shall be designated by the Canadian Section of the Commission as Chairman of the Canadian Section of the Board, and one of the United States Board members shall likewise be designated by the United States Section of the Commission as Chairman of the United States Section of the Board.
2. That under the supervision of the Commission the duties of the International Niagara Board of Control shall be,
  - A. To review and approve the design and procedures for the installation of the remedial works recommended by the Commission in its report to the Governments of Canada and the United States of America dated May 5, 1953, and to exercise general direction of the construction of such works; and
  - B. Progressively, with the construction of said remedial works, to exercise control over the maintenance and operation thereof and more particularly over the Chippawa-Grass Island Pool Control Structure in such manner as fully to meet the scenic-beauty requirements of Article IV of said Treaty of February 27, 1950, with the objective of ensuring;
    - (a) A dependable and adequate flow of water over the American Falls and in the vicinity of Three Sisters Islands, approximating the satisfactory flow under existing conditions; i.e., the conditions which have prevailed during the period 1946 to 1953;
    - (b) A dependable and adequate flow over the Horseshoe Falls, including both flanks thereof, sufficient to provide an unbroken

crestline, the rate of such flow at any time to be such that when combined with the flow over the American Falls will give a total flow not less than the rate of flow over the Falls required by said Treaty at that particular time;

(c) Maintenance of the present relationship between the total river flow and the level of the Chippawa-Grass Island Pool; and,

(d) Ability to meet promptly the changes in permissible power diversions while assuring flow of water over the Falls at any and all times in accordance with the required rates of flow and timing thereof agreed upon by the Governments of the United States and Canada and specifically set forth in Article IV of said Treaty of February 27, 1950, concerning uses of the waters of the Niagara River,

C. To collaborate fully with the representatives of Canada and the United States of America designated by the two Governments as provided in Article III of said Treaty of February 27, 1950, in the performance of their duties under said Treaty, viz., the ascertainment and determination of the amounts of water available for the purposes of said Treaty and the recording thereof and the recording also of the amounts of water used for power diversions; and as a result of such collaboration the Board of Control shall from time to time furnish the Commission information on the amounts of water available for the purposes of the Treaty, the amounts of water flowing over the Horseshoe and American Falls, respectively, the amounts of water diverted for power purposes, including water diverted from Lake Erie through the Welland Canal for power purposes, for each of the power developments on each side of the international boundary, and the amounts of water diverted from lake Erie through the Welland Canal and from the Niagara River for domestic and sanitary purposes and for the purposes of navigation and the amounts of water used for any other purposes;

D. To submit written reports to the International Joint Commission at its semi-annual meetings in April and October of each year and at such other times as the Commission may direct; and in addition to keep the Commission currently informed of the progress of construction of the remedial works; and

- E. To make representations to the International Joint Commission at any time it may appear to the Board of Control to be advisable in regard to any matter affecting or arising out of the construction and operation of the said remedial works.
3. That in the event of any disagreement among the members of the Board of Control which they are unable to resolve, to refer the matter promptly to the International Joint Commission for decision.

Signed this nineteenth day of August, 1953.