

UNITED STATES OF AMERICA
and
CANADA

Exchange of Notes constituting an agreement relating to the temporary raising of the level of Lake St. Francis during low water periods. Washington, 10 November 1941; and Exchange of Notes constituting an agreement extending the above agreement. Washington, 5 and 9 October 1942

English official text communicated by the Secretary-General of the United States Mission to the United Nations. The filing and recording took place on 6 January 1949.

ETATS-UNIS D'AMERIQUE
et
CANADA

Echange de notes constituant un accord relatif à l'élévation provisoire du niveau du lac Saint-François pendant les périodes de basses eaux. Washington, 10 novembre 1941; et

Echange de notes constituant un accord portant prorogation de l'accord ci-dessus. Washington 5 et 9 octobre 1942

Texte officiel anglais communiqué par le Secrétaire général de la Mission des Etats-Unis auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 6 janvier 1949.

No. 134. EXCHANGE OF NOTES¹ BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF CANADA CONSTITUTING AN AGREEMENT RELATING TO THE TEMPORARY RAISING OF THE LEVEL OF LAKE ST. FRANCIS DURING LOW WATER PERIODS. WASHINGTON, 10 NOVEMBER 1941

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

WASHINGTON

November 10, 1941

No. 682.

Sir,

I have the honour, on the instructions of my Government, to enquire whether the Government of the United States of America would agree to a temporary raising of the level of Lake St. Francis during low water periods, for the reasons and in the circumstances hereinafter set out:

1. The Beauharnois Light, Heat and Power Company has for some years, under the authority of the Parliament and Government of Canada, diverted water from Lake St. Francis for the development of hydro-electric power.
2. In order to conserve the supply of power in the lower St. Lawrence, which is needed to continue the existing export of power for aluminum production at Massena, New York, the Company have asked the Canadian Government for authority to maintain the level of Lake St. Francis at 152.0 during low water periods, subject to the maintenance of the normal regimen of the Lake for levels above that elevation.
3. During these periods the water level of the Lake has fallen to 150.0 and may even fall to a lower level, whereas the mean level of the Lake is 151.7 and the normal high water 154.0. Extreme high water may go to above elevation 155.75.

¹ Came into force on 10 November 1941, by the exchange of the said notes.

4. To provide for the maintenance of the Lake level, the Company is presently installing a temporary dam to partially close the existing gap at the head of the Coteau Rapids, and have in contemplation for next season the construction of a permanent dam to close the gap completely, but this will not assure their output during low water periods unless they are permitted to maintain the Lake level at 152.0 as above. The regulation of the level of the Lake to 152.0 will not only be of benefit to the Beauharnois output in this vital period but will assure continuous 14 ft. depth for navigation in the Cornwall Canal, and may maintain more satisfactory shore conditions during low water periods.

5. The proposal would result in an increase, in low water periods, in the natural levels on the United States side of the St. Lawrence River near the head of Lake St. Francis.

In view of the importance to both Canada and the United States of America of the conservation of the power supply in this area, the Canadian Government proposes that both Governments should agree to permit the maintenance of the level of Lake St. Francis at 152.0 during low water periods, subject to the maintenance of the normal regimen of the Lake for levels above that elevation. The proposed agreement would expire on October 1st, 1942.

If the foregoing is acceptable to your Government, this note and your reply thereto shall be regarded as constituting a special agreement between the two Governments within the meaning of Article 4 of the Boundary Waters Treaty of 1909.¹

I have the honour to be, with the highest consideration, Sir, your most obedient, humble servant,

H. H. WRONG
For the Minister

The Hon. Cordell Hull
Secretary of State of the United States
Washington, D.C.

¹United States of America, *Treaty Series* 548; 36 Stat. 2448.

II

*The Secretary of State to the Canadian Minister*DEPARTMENT OF STATE
WASHINGTON

November 10, 1941

Sir,

I have the honor to inform you that the Government of the United States concurs in the proposals contained in your note of November 10 regarding the temporary raising of the level of Lake St. Francis during low water periods. The Government of the United States attaches importance to the understanding that this agreement authorizing the raising of the level of Lake St. Francis is temporary, and that this action shall not be deemed to create any vested or other right calling for or implying an extension of the authority to raise the level of Lake St. Francis beyond October 1, 1942.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:
A. A. BERLE, Jr.The Honorable Leighton McCarthy, K.C.
Minister of CanadaEXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT EXTENDING THE ABOVE AGREEMENT. WASHINGTON, 5 AND 9 OCTOBER 1942

I

*The Canadian Minister to the Secretary of State*CANADIAN LEGATION
WASHINGTON

October 5, 1942

No. 653

Sir,

I have the honour, on the instructions of my Government, to refer to the exchange of notes of November 10th 1941, whereby the Government of the

¹ Came into force on 9 October 1942, by the exchange of the said notes.

United States of America agreed to a temporary raising of the levels of Lake St. Francis during low water periods for the reasons and subject to the conditions and limitations set forth in the Notes.

The circumstances which led the Government of the United States to agree to the temporary raising of the levels of Lake St. Francis have continued and, in view of the importance to both Canada and the United States of America of the conservation of the power supply in this area, the Canadian Government proposes that the arrangements set forth in the exchange of Notes should be continued until October 1, 1943. The arrangements as continued would, of course, be subject to all of the conditions and limitations as contained in the exchange of Notes of November 10, 1941.

Accept, Sir, the renewed assurances of my highest consideration.

Leighton McCARTHY

The Honourable Cordell Hull
Secretary of State of the United States
Washington, D.C.

II

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE

WASHINGTON

October 9, 1942

Sir,

I have the honor to acknowledge the receipt of your note of October 5, 1942 concerning the arrangements effected through an exchange of notes on November 10, 1941 with respect to a temporary raising of the levels of Lake St. Francis during low water periods and to inform you that this Government is agreeable to your Government's proposal that these arrangements should be continued until October 1, 1943 subject, of course, to all of the conditions and limitations contained in the Notes exchanged on November 10, 1941.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:
A. A. BERLE, Jr.

The Honorable Leighton McCarthy, K.C.
Minister of Canada.