

No. 4039

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes constituting an agreement relating to navigation improvements of the Great Lakes connecting channels of the Saint Lawrence Seaway. Ottawa, 23 July and 26 October 1956 and 26 February 1957

Official text: English.

Registered by the United States of America on 25 October 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes constituant un accord concernant les travaux d'amélioration de la navigation dans les chenaux de communication des Grands Lacs (voie maritime du Saint-Laurent). Ottawa, 23 juillet et 26 octobre 1956 et 26 février 1957

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 25 octobre 1957.

No. 4039. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO NAVIGATION IMPROVEMENTS OF THE GREAT LAKES CONNECTING CHANNELS OF THE SAINT LAWRENCE SEAWAY. OTTAWA, 23 JULY AND 26 OCTOBER 1956 AND 26 FEBRUARY 1957

I

The American Ambassador to the Canadian Secretary of State for External Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 26

The Ambassador of the United States of America presents his compliments to the Secretary of State for External Affairs and has the honor to refer to certain proposed navigation improvements that are to be undertaken in the Detroit River Section of the Great Lakes connecting channel.

The improvement of the Great Lakes Connecting Channels to provide increased channel dimensions in the interest of the growing needs of commerce on this important waterway was authorized by Public Law 434, 84th Congress, approved March 21, 1956. The portion of the project in the Detroit River provides for dredging existing channels, disposal of dredged material and construction of compensating dikes.

The features of the project in the Detroit River are briefly described in the enclosed summary sheet² and are shown on the attached map.² The portion of the project located in Canadian waters is specifically indicated on the map.

Funds for initiating construction of the project were provided for in the Civil Functions Appropriations Act, Public Law 641, 84th Congress, dated July 2, 1956. The construction program for the current fiscal year includes deepening of the Amherstburg Channel, which is located in Canadian waters. In order that work may be undertaken during the current working season on this section of the project, it is planned to advertise for bids during the latter part of July 1956.

¹ Came into force on 26 October 1956, in accordance with the provisions of the said notes.

² Not reproduced in the copies of the Agreement transmitted for registration. According to the information provided by the United States of America, the summary sheet and map, comprising large-size sheets, are deposited with the agreement in the archives of the Department of State where they are available for reference.

The United States Government would appreciate the consideration of the Canadian Government with a view to granting its approval for the proposed navigation improvements to be undertaken in the Canadian waters of the Detroit River Section of the Great Lakes connecting channel. In view of the desire to initiate construction plans at an early date, an early reply from the Canadian Government would be most appreciated.

The urgent nature of the project leads the United States Government to suggest that any detailed information concerning the conduct of operation in this portion of the water be subject to informal discussions between the District Engineer, Department of Public Works, London, Ontario, Canada, and Colonel Peter C. Hyzer, District Engineer, United States Corps of Engineers, Detroit, Michigan.

M. C. R.

Enclosures :

1. Two photostatic copies of " Summary Sheet of Project Features, Great Lakes Connecting Channels—Detroit River Section ",¹
2. Two photostatic copies of map showing " Authorized Channel Improvements, Detroit River, Michigan ".¹

Embassy of the United States of America
Ottawa, July 23, 1956

II

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

No. 266

The Secretary of State for External Affairs presents his compliments to His Excellency the Ambassador of the United States of America and has the honour to refer to his Note No. 26 of July 23, 1956, concerning certain proposed navigation improvements that are to be undertaken in the Detroit River section of the Great Lakes connecting channels.

The Secretary of State for External Affairs notes that the proposed improvement of the Great Lakes connecting channels is to provide increased channel dimensions in the interest of the growing needs of commerce on this waterway, and that it was authorized by Public Law 434 of the 84th Congress of March 21, 1956. The portion of the project in the Detroit River provides for dredging of existing channels, disposal of dredging material and the construction of

¹ See footnote 2, p. 180 of this volume.

compensating dykes. It is noted also that the construction programme for the current fiscal year includes deepening of the Amherstburg channel which is located in Canadian waters.

The Canadian Government is pleased to approve the project as outlined in Note No. 26 subject to the following terms and conditions :

- a) That the final plans for the construction of the channel, including plans for spoil disposal areas and for the construction of the compensating dykes, shall be approved by the Canadian authorities;
- b) That Canadian contractors shall be given an equal opportunity with United States contractors to bid on that portion of the work which lies in Canadian territory; when, however, United States contractors are awarded contracts for work wholly in Canada, Canadian technicians, supervisory staff and workers should be given employment insofar as those of necessary qualifications are available, except where United States key and permanent personnel for dredges are essential; clearance in this regard to be made through the National Employment Service of Canada; the rates of pay and working conditions for all labour employed in Canadian territory on the project will be set after consultation with the Canadian Department of Labour in accordance with the Canadian Fair Wages and Hours of Labour Act;
- c) That drilling, excavations, the deposit of dredged and excavated materials and the construction of compensating dykes shall not be carried out in Canadian territory by any United States agencies or contractors until such time as the Canadian authorities have made arrangements for the admission of personnel and equipment;
- d) That the Unemployment Insurance Act of Canada, and regulations thereunder, will apply to any Canadian workmen who may be employed on the project and also to United States workmen employed on this project if they are employed on Canadian territory by a contractor (not by the United States Army Corps of Engineers) and cannot be covered under any employment insurance law of the United States; if any Canadian workmen are employed directly by the United States Army Corps of Engineers the arrangement whereby the United States armed forces will insure Canadian employees from July 1, 1956, will apply;
- e) That the United States authorities will ensure that the necessary arrangements are made with the authorities of the Province of Ontario concerning the Workmen's Compensation Act of that Province;
- f) That the United States authorities will ensure, in a manner satisfactory to the Canadian authorities, that the contractor or contractors for this work will as a matter of contract responsibility be required to : (1) perform and complete

the work in accordance with the plans and specifications as duly approved by the Canadian authorities; (2) be responsible for all damages to persons or property that occur as a result of their fault or negligence in connection with the prosecution of the work; (3) carry adequate insurance commensurate with that responsibility; (4) satisfy the requirements of the applicable Canadian law.

- g) That the works to be carried out in Canadian territory shall be without prejudice to the sovereign rights of Canada;
- h) That during the progress of the work, and subsequent thereto, such soundings, gaugings and meterings shall be carried out by the United States authorities as the Canadian authorities may require, and the Canadian authorities kept informed of the results obtained; authorized Canadian Government representatives shall be free at all times to inspect the works during progress, and shall be permitted to continue to make such check surveys with soundings, meterings and gaugings, in any part of the Detroit River as may be considered desirable at any time;
- i) That any machine, plant, vessel, barge or the operators or crews thereof, used on these works, shall not be permitted to tie up, discharge ashes, fuel oil, waste oil, etc., or to commit any other nuisance in a manner prejudicial to the health, well-being and activities of the owners and/or users of land or water areas in Canadian territory during the progress of, or subsequent to, the carrying out of these works; the attention of the United States authorities is also drawn to Section 33 of the Fisheries Act of Canada and Section 40 of the Regulations under the Migratory Birds Convention Act which refer to the pollution of waters with specific reference to the effect upon fish and migratory birds;
- j) Supplementary or administrative arrangements concerning this project may be made from time to time between authorized agencies of the two Governments.

T. LEM. C.

Ottawa, October 26, 1956

III

The American Chargé d'Affaires ad interim to the Canadian Secretary of State for External Affairs

No. 206

The Chargé d'Affaires, ad interim, of the United States of America presents his compliments to the Secretary of State for External Affairs and has the honor to refer to Note No. 266 of October 26, 1956 from the Department of External Affairs, approving on behalf of the Canadian Government, subject to certain conditions, the proposed navigation improvements which are to be undertaken in the Detroit River Section of the Great Lakes connecting channels.

The Chargé d'Affaires, ad interim, has the honor to confirm the acceptance by the Government of the United States of America of the conditions set forth by the Canadian Government in Note No. 266 and to state that the Government of the United States considers the arrangements for the proposed project to have been completed on October 26, 1956.

Embassy of the United States of America

Ottawa, February 26, 1957