

No. 9141

UNITED STATES OF AMERICA
and
CANADA

Exchange of notes constituting an agreement relating to the use of certain leased bases in Newfoundland to facilitate the establishment of a ferry service (with annexes). Washington, 6 and 10 June 1966

Official text: English.

Registered by the United States of America on 24 June 1968.

ÉTATS-UNIS D'AMÉRIQUE
et
CANADA

Échange de notes relatif à l'utilisation de certaines bases cédées à bail en Terre-Neuve en vue de faciliter la création d'un service de bac (avec annexes). Washington, 6 et 10 juin 1966

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 24 juin 1968.

No. 9141. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA RELATING TO THE USE OF CERTAIN LEASED BASES IN NEWFOUNDLAND TO FACILITATE THE ESTABLISHMENT OF A FERRY SERVICE. WASHINGTON, 6 AND 10 JUNE 1966

I

CANADIAN EMBASSY

Sir,

I have the honour to refer to the Agreement between the Government of the United Kingdom and the Government of the United States of America relating to the Bases leased to the United States of America, signed at London on March 27, 1941 ² and to the Agreement of August 13th and October 23rd, 1947 ³ between His Majesty's Government in the United Kingdom and the United States Government relating to the United States Leased Bases at Argentia, Newfoundland; both of which became applicable to Canada on April 1, 1949; and to the discussions which have taken place between representatives of our two Governments concerning the intention of the Canadian Government to establish a ferry operation between North Sydney, Nova Scotia and Argentia, Newfoundland, and to construct an access road to the ferry terminus at Argentia, Newfoundland. As a result of these discussions it is my understanding that the Government of the United States is prepared to make available, under specified restrictions, certain lands at present forming a part of the United States Naval Base at Argentia, Newfoundland, for use both as additions to the present terminus area and as the site of an access road across the Base area to the terminus.

Subject to the provisions and terms of the Annex attached hereto I now propose that our two Governments enter into an agreement on this subject, under which the United States will permit Canada to make use as required of specified lands in the United States Naval Base Area at Argentia, Newfoundland. The Government of Canada undertakes to hold the Govern-

¹ Came into force on 10 June 1966 by the exchange of the said notes.

² League of Nations, *Treaty Series*, Vol. CCIV, p. 15.

³ United Nations, *Treaty Series*, Vol. 66, p. 277.

ment of the United States harmless with respect to any claims resulting from such use of the land.

This agreement shall be subject to the terms of the agreements concerning Leased Bases in Newfoundland and, except as expressly provided herein, nothing in this agreement shall be construed as derogating from the terms thereof.

This agreement shall remain in force until terminated by either one of the following means :

- (i) By the Government of Canada giving one year's written notice to the Government of the United States of its intention to terminate ; or
- (ii) By the Government of the United States informing the Government of Canada that in its opinion an emergency situation has arisen so affecting the defence and security requirements of the United States Naval Base Area that it is deemed necessary either to terminate this agreement immediately or to restrict access to the lands affected by it to such an extent and for such periods as it considers necessary by reason of the aforesaid emergency situation.

If the foregoing is acceptable to the Government of the United States I have the further honour to propose that this Note, together with the Annex attached hereto, and your Note in reply to that effect, shall constitute an agreement between our two Governments on this matter, which shall enter into force on the day of your Excellency's reply.

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

Washington, D.C., June 6, 1966

C. S. A. RITCHIE

The Honorable Dean Rusk
Secretary of State
Washington, D.C.

NEW FERRY TERMINAL DEVELOPMENT ARGENTIA, NEWFOUNDLAND

The Government of Canada is introducing a new East Coast Ferry Service to operate between Nova Scotia and Newfoundland. The site of the Newfoundland terminus is Argentia. Argentia presently consists of a small area of land owned by the Canadian National Railways and used primarily as a freight depot. It is surrounded by land which is leased by the Government of the United States of America and which is presently being used as a Naval Base, known as the United States Naval Station, Argentia, Newfoundland.

The following description and attached documents describe what the Government of Canada proposes to do and include the various metes and bounds survey documents describing the rights-of-way, easements and properties which will have to be acquired from the United States Government.¹

GENERAL

Generally the proposal involves the construction of a ferry access road through the United States Naval Station, the acquisition of additional lands at the terminal site, the development of the terminal area and the construction of docking facilities for the new ferry.

ACCESS ROAD

The access road will consist of the reconstruction of a section of the existing road to Freshwater and reconstruction of Provincial Route No. 6 from the west end of the existing pavement at Dunville to the vicinity of the present gate house. Here a traffic intersection will be constructed to facilitate the merging and dispersion of traffic entering and leaving the Naval Base, together with traffic going to or coming from the ferry terminal. A traffic light will be provided at the intersection which will be manually controlled from the Naval Station gate house.

From the intersection traffic will proceed along two separate roads :

- A. The Naval Station road which will consist partly of portions of the existing road and partly of sections of new road. The existing and the new will be joined together to form a continuous thoroughfare through the Naval Station.
- B. The new ferry access road will be a separate road fenced on both sides and will be used solely for conveying traffic to and from the terminal area. An overpass will be constructed at Cooper Drive thus permitting an unrestricted flow of traffic for naval vehicles proceeding along Cooper Drive. In addition a gravel surface frontage road will be constructed connecting Cooper Drive with the road leading to the sanitary disposal area. Near Washington Circle the ferry access road will intersect the Navy road at a level crossing. It is proposed that the United States security guard presently stationed outside the existing Canadian National Railway's property be moved to this intersection and that a traffic light be installed which can be manually controlled by the guard. At this intersection traffic will not be permitted to enter or leave the ferry access road. In addition a gravel surface road will be constructed from Washington Circle to the Ship Repair Building No. 305, to provide access for Navy vehicles. Building No. 327, which is no longer in use will be demolished to permit construction of this gravel road.

¹ With the consent of the Contracting Parties, the documents concerned are not reproduced herein owing to technical reasons. However, the said documents have been transmitted along with the documentation submitted for registration, and have been deposited with the Secretariat as an integral part of the Agreement so registered.

BUILDINGS

The existing gate house will be demolished and a new building will be provided. The new building will be at least equivalent to the existing building and will comply with the requirements of the United States Government.

Buildings No. 679M, 680M and 681M will be demolished and equivalent facilities will be provided at locations to be selected by the Naval Station. This work up to a cost not to exceed \$ 75,000 will be done by the Government of Canada.

FENCES

The ferry access road will be fenced on both sides from the gate house to the terminal area, with the exception of the level intersection near Washington Circle. The fence will be a security type with a height of eight (8) feet and will be provided with gates at the two locations shown on the attached plans. In the area of the Monopole Antenna near Cooper Drive the fence will be fabricated from a non-conductive material.

SERVICES

At all locations where construction of new road interferes with existing services, such as communications, power, fresh and salt water lines, sewer and steam lines, etc., these services will be relocated to the satisfaction of the United States authorities.

COMPOUND

It is proposed that the existing Canadian National Railway's property be enlarged to include various pieces of property denoted and described on the enclosed documents as areas Nos. 1, 2, 3 and 4. This will provide additional space for the parking of motor vehicles, a new terminal building, car wash facilities, etc. The whole of the compound area will be surrounded by an eight (8) foot high security fence which will contain gates to permit the passage of fire and other emergency vehicles. It is proposed that domestic water supply for the new terminal be purchased from the United States Government.

II

DEPARTMENT OF STATE
WASHINGTON

June 10, 1966

Excellency:

I have the honor to refer to your note of June 6, 1966 concerning the establishment of a ferry service between North Sydney, Nova Scotia and Argentia, Newfoundland and to inform you that the Government of the

United States is pleased to accept the proposal contained in your note and to agree that your note and this reply shall constitute an agreement which shall enter into force as of today's date.

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

For the Secretary of State :

Walter J. STOESEL, Jr.

His Excellency C. S. A. Ritchie
Ambassador of Canada