

Authorities (in the United States, the Federal Power Commission) to build a portion of the proposed dams, subject in each case to the other receiving a license for its portion. Both licensees would have to secure the approval of the International Joint Commission created by the 1909 Boundary Waters Treaty between the United States and Canada (36 Stat. 2418). That Treaty created the Commission, composed of three members each, from the United States and Canada, to consider and approve structures which materially affect the level or flow of boundary waters between the two countries.

This alternative plan was regarded by President Truman as "second best" to the arrangement provided for under the 1941 agreement. He so indicated in his Message to Congress dated January 28, 1952, previously referred to, and in a subsequent Message dated July 1, 1952. H. Doc. No. 528, 82d Cong. 2d sess. Since the Congress did not approve the 1941 agreement, the alternative plan was acted upon. On June 30, 1952, both the United States and Canada filed applications with the International Joint Commission for the construction of the power works and stated in their applications that in the event the application should be granted, it was understood that Canada would simultaneously construct and operate a deep draft waterway between Montreal and Lake Erie on the Canadian side of the St. Lawrence. The International Joint Commission acted favorably upon the application in October of 1952. Thereafter, the Federal Power Commission proceeded to rehear a previously filed application by the New York State Power Authority for a license to construct and operate the power works in conjunction with the Hydro-