



International River Improvements Act

Annual Report for 2008

The *International River Improvements Act* has been in force since July 11, 1955, and the responsibility for administering the Act has been with the Minister of the Environment since June 1971.

The goal of the *International River Improvements Act* is to ensure that Canada's water resources are developed and used in the best national interest. The Act states that no person shall construct, operate or maintain an "international river improvement" unless the person holds a valid licence under the Act. An "international river" is defined as "water flowing from any place in Canada to any place outside Canada." The Act provides for licensing of these improvements, which are identified as a dam, obstruction,

canal, reservoir or other work that might alter the flow of a transboundary river into the United States. The licences can be issued for a period that does not exceed 50 years. The Act ensures that Canada can meet its obligations under the 1909 Boundary Waters Treaty.

The Act does not apply to international river improvements built under the authority of another Act of the Parliament of Canada, or situated within "boundary waters" as defined in the Boundary Waters Treaty of January 11, 1909, or those constructed, operated and maintained solely for domestic, sanitary or irrigation purposes.

There is one set of regulations under the Act, the *International River Improvements Regulations*, passed by Order-in-Council in 1955, and amended in 1987 and 1993.

The Regulations allow for exceptions to the application of the Act under two conditions: if there are insignificant effects on flows and levels at the Canada–United States border (i.e., effects on levels of less than 3 centimetres and effects on flows of less than 0.3 cubic metres per second); or if the improvement is temporary and will not be in operation for more than two years. For a project that is exempted from the Act, the proponent is required to notify the Minister in writing and include specific information as required under the Regulations.

Due to the fact that there are not many defined international rivers, very few applications are submitted each year.

Activity 2008

In 2008, three *International River Improvements Act* short-term licences expired and were renewed. No new applications or notifications of exception were received in 2008.

For the three *International River Improvements Act* short-term licences that expired in summer 2008, new licences were issued for an additional period of two years, with conditions identical to the former

licences. These second two-year extensions will allow Environment Canada time to address the 2007 *Cabinet Directive on Streamlining Regulation*, and time to ensure that stakeholders are consulted and to seek their opinion on a modern and transparent regulatory regime. The licences were issued to Brilliant Power Corporation and FortisBC for separate volumes of storage on Kootenay Lake, controlled by the Cora Linn Dam on the Kootenay

River in British Columbia. The third licence was issued to SaskPower for the Boundary Dam on Long Creek in Saskatchewan.

Environment Canada confirmed to BC Hydro that the installation of two generating units at Mica Dam on the Columbia River was contemplated under the original *International River Improvements Act* licence. As such, a new licence was not required.

Reference

Canada. 2007. Cabinet directive on streamlining regulation [on-line]. Ottawa: Treasury Board Secretariat. www.regulation.gc.ca