



## ***International River Improvements Act***

# **Annual Reports for 2004–2007**

**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 utilized 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. During the four-year period that this report covers, the following applications and notifications of exception have been received and responded to by the Minister of the Environment:

- two applications for a licence were received;
- one licence was granted;
- new two-year licences were issued for three expired licences; and
- three notifications of exception were made under the Act.

More detailed information regarding requests submitted under the *International River Improvements Act* is presented below.

### Activity 2004

The Minister received an application for a licence under the Act on January 7, 2004, regarding a hydroelectric development on the Cascade River in northwestern British Columbia for the Long Lake hydroelectric project. An environmental assessment was required under the *Canadian Environmental Assessment Act*, and all regulatory requirements must be met in order for a licence to be issued.

No notifications of exception to the application of the Act were received; nor were any licences issued.

### Activity 2005

Powerhouse Developments Corporation sent the Minister the required documentation to provide notification that the Cascade Heritage hydroelectric project on the Cascade River in southern British Columbia is excepted from the application of the *International River Improvements Act* since there would be no significant effects on flows and levels at the border with the United States.

No *International River Improvements Act* licences were issued during the year.

### Activity 2006

The Minister received notification with the proper documentation to demonstrate that the Princeton Wood Residue and Coal Power project is excepted from the operation of the *International River Improvements Act*. This plant would use water from the Similkameen River in southern British Columbia for domestic and sanitary uses and evaporative cooling in power production. The water use from this plant would not significantly affect flows at the stream crossing at the border with the United States.

In January 2006, the Minister granted a licence under the Act to Long Lake Joint Venture (Long Lake project) for the construction of a hydroelectric development on the Cascade River in northwestern British Columbia. The Long Lake project is a relatively small hydroelectric facility with a high head and a capacity of 16 megawatts, and will be developed at a former dam site. The licensing term is 50 years.

Three *International River Improvements Act* licences expired during the year. For these three cases, new licences were issued for a period of two years, to allow for a review of relicensing approaches and methods. 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.

### Activity 2007

British Columbia Hydro provided the required documentation for a notification of exception for the Whatshan Dam hydroelectric project on the Whatshan River, a tributary of the Columbia River which flows into the Arrow Lakes Reservoir behind the Hugh Keenleyside Dam. The Whatshan Dam licence was one of the original *International River Improvements Act* licences that expired after its 50-year term. Since the dam was built, a second dam, the Keenleyside Dam, came into operation. It has a much larger storage, with the result being that the Whatshan regulation effects are not distinguishable from the regulated outflows from Keenleyside Dam. The Keenleyside Dam has an *International River Improvements Act* licence which was granted in 1965.

The Minister received an application in September for a licence for a large mine tailings pond on a small stream that would be part of the Galore Creek mine operation in British Columbia. The application was subsequently withdrawn at the end of the year due to a reconsideration of mining operations.