



International River Improvements Act

Annual Report for 2009

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.

This is an annual report, as required by section 10 of the *International River Improvements Act*, on activities under the Act during 2009.

The goal of the *International River Improvements Act* is to ensure that Canada's water resources in international river basins 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 alters 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.

Shared drainage basins and boundary waters are located along the length of the border between Canada and the United States. International rivers, as defined under the Act, and their corresponding watersheds are situated mainly in the western provinces. There is typically a low level of activity under the *International River Improvements Act*, and few applications are

submitted annually, which is a result of a combination of factors, including the geographic extent of international drainage basins and that major river projects are seldom initiated.

Activity 2009

There were no licence applications received or licences issued by the Minister during the reporting year 2009.

The Minister received formal notification, with the proper documentation as required under the *International River Improvements Regulations*, from Coast Mountain Hydro Corporation that the Forrest Kerr hydroelectric project is excepted from the application of the *International River Improvements Act*. Coast Mountain Hydro Corporation is a wholly owned subsidiary of AltaGas Renewable Energy Inc. The project is a run-of-the-river hydroelectric facility of 195 megawatts to be constructed on the Iskut River in northwestern British Columbia approximately 80 kilometres from the U.S. border. The Iskut River is a main tributary of the Stikine River, which flows into the Alaska panhandle. The project consists of an instream weir, a diversion tunnel of approximately three kilometres in length, an underground powerhouse, four turbine generators, a switchyard and a transmission line.

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