



International River Improvements Act

Annual Report for 2010

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 *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.

Section 51 of the *International River Improvements Act* requires that a report on operations under the Act be laid before Parliament after the end of each calendar year. This annual report covers activities under the Act during the 2010 calendar year.

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 major international rivers and their corresponding watersheds are situated in the western provinces. There are also some small rivers and streams along the Canada–United States boundary in Quebec and New Brunswick that are in the category of international rivers. The Act provides for licensing of "river 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 excepted from the Act, the proponent is required to notify the Minister in writing and include specific information as required under the Regulations.

Activity 2010

The Minister received formal notification, with the proper documentation as required under the *International River Improvements Regulations*, from Koch Creek Power Ltd. that the Koch Creek hydroelectric project is excepted from the application of the *International River Improvements Act*. The Koch Creek project is a run-of-the-river hydroelectric facility to be built on Koch Creek in the drainage basin of the Slocan River, which flows into the Kootenay River in southern British Columbia. The main elements of the project are a small dam and diversion structure, and a powerhouse of a capacity of 18.7 megawatts. There is no significant storage potential associated with the dam, and therefore, the effect on flows and levels at the border will be insignificant, as defined in the Regulations. In his reply to the proponent, the Minister acknowledged that the project is excepted from the application of the Act.

Three of the original long-term licences issued under the Act were renewed in 2010 for a term of 25 years. Two of the licences were issued to FortisBC and Brilliant

Power Corporation for separate volumes of storage on Kootenay Lake. Lake levels and storage are regulated by the Corra Linn Dam at the outlet of the lake on the Kootenay River in British Columbia. A number of hydroelectric plants below the Corra Linn Dam use the storage of water for improved power production. Licensees must respect the International Joint Commission Order of Approval for the regulation of Kootenay Lake water levels and outflows. The Kootenay Lake Board of Control, mandated by the International Joint Commission, monitors the regulation of the lake. The third licence was issued to SaskPower for the Boundary Dam on Long Creek, a tributary of the Souris River in southern Saskatchewan. A canal links Boundary reservoir to the Rafferty Dam on the Souris River in order to allow control of flood flows on the lower Souris River. The International Souris River Board monitors the international arrangements for water quality and apportionment at border crossings.

A licence was issued in May 2005 to Long Lake Joint Venture for the Long Lake hydroelectric project on the Cascade River in northwestern

British Columbia. During 2010, Regional Power Inc., on behalf of the proponent, notified the Minister that construction of the project would not be completed by the end of 2010. The company also informed the Minister that there were modifications to the project. The project is designed to use an extra 2.17 cubic metres per second of water to a maximum of 5.0 cubic metres per second. This would allow the power-plant capacity to increase from approximately 16 megawatts to 33 megawatts. The penstock used to carry the water to the powerhouse will be larger in diameter, and a new 10-kilometre long transmission line will be constructed. Other elements of the project such as the dam and storage volume remain as proposed for the original project. Regional Power Inc., on behalf of Long Lake Hydro Inc., submitted an application for a licence under the Act for the modified version of the project. An environmental assessment study is under way under the *Canadian Environmental Assessment Act* (CEAA) and notification has been posted on the CEAA registry (www.ceaa.gc.ca/050/details-eng.cfm?evaluation=59232).