



# *International River Improvements Act*

## Annual Report for 2011

**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 2011 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 an international 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 Boundary Waters Treaty of January 11, 1909.

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, 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 river 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.



## Activity 2011

During 2011, no licences were issued under the *International River Improvements Regulations*. The Minister received two formal notifications, with proper documentation as required under the Regulations, from AltaGas Renewable Energy Inc. that the McLymont Creek Project and the Volcano Creek Project are excepted from the application of the Act.

The McLymont Creek and Volcano Creek projects are run-of-the-river

hydroelectric facilities to be built on McLymont Creek and Volcano Creek, respectively. The facilities are located in the drainage basin of the Iskut River, which is a major tributary of the Stikine River, an international river located in northwestern British Columbia. Each project consists of a small dam and diversion structure, and a powerhouse. The powerhouses have a capacity of approximately 66 and 18 megawatts, respectively,

for the McLymont Creek and Volcano Creek projects. Neither project has significant storage potential associated with the dam, and therefore, the effect on flows and levels of the Stikine River at the Canada–United States border will be insignificant, as defined in the Regulations. In his reply to the proponent, the Minister acknowledged that the projects are excepted from the application of the Act.