



# *International River Improvements Act*

## Annual Report for 2013

**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 2013 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 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 of 1909, or those constructed, operated and maintained solely for domestic, sanitary or irrigation purposes.

Royal Assent was given on June 19, 2013, to the *Transboundary Waters Protection Act* (C-383), which amends the *International Boundary Waters Treaty Act* and the *International River Improvements Act*. These amendments are slated to come into force in 2014 and will prevent the linking of waters wholly in Canada to international rivers as a means of using those rivers to transfer water in bulk across the international border.

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 or levels at the Canada–United States boundary (i.e., effects on levels of less than three centimetres

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or 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 subject to those exceptions, the proponent is nonetheless required to notify the Minister in writing and include specific information as required under the Regulations.

During 2013, no licences were issued under the Regulations of the *International River Improvements Act*. The Minister received one formal notification, with proper documentation as required under the *International River Improvements Regulations*, from the Yukon Electrical Company Limited that the Fish Lake Hydro facility is excepted from the application of the Act.

The Fish Lake Hydro facility is a small hydroelectric generating facility (1.3 megawatts) that was constructed in the 1950s in the vicinity of Whitehorse, Yukon. The facility owner applied to the Yukon Water Board to renew its Water Use Licence, which triggered a review under the *Yukon Environmental and Socio-economic Assessment Act* and the *International River Improvements Act*. Since devolution, the

*International River Improvements Act* applies to improvements built on international rivers in Yukon.

The Fish Lake Hydro facility includes dams and storage of water in lakes to manage the flow of waters within Fish Creek, Porter Creek, West McIntyre Creek, McIntyre Creek and Jackson Creek, which are headwater tributaries of the Yukon River. Effects of the facility are essentially local in nature and correspond to changes of less than three centimetres in the water level of the Yukon River at the Canada–Alaska boundary. In her reply to the proponent, the Minister acknowledged that the project is excepted from the application of the Act under the Regulations.