



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

# **Annual Report for 2015**

**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* (the *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 *Act* requires that a report on operations under the *Act* be laid before Parliament after the end of each calendar year. This present annual report covers activities under the *Act* during the 2015 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 categorized as international rivers. The *Act* provides for the licensing of "international river improvements," which are identified as dams, obstructions, canals, reservoirs, pipelines or other works that alter the flow of an international river into the United States. The licences can be issued for a period not exceeding 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 to works constructed, operated or maintained solely for domestic, sanitary or irrigation purposes.

There is one set of regulations under the *International River Improvements Act*, namely the *International River Improvements Regulations* (the *Regulations*), which were 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 3 cm, 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*.

## Activity in 2015

During 2015, one application for a new licence was received, four licences were issued under the Regulations, and one project was confirmed to be an exception.

The Minister received one application for a licence in early January for the construction, operation and maintenance of a water storage facility and ancillary water works for the KSM (Kerr-Sulphurets-Mitchell) Project in British Columbia. The proponent, Seabridge Gold Incorporated, proposes to develop a gold, copper, silver and molybdenum mine partly on tributaries of the Unuk River, which crosses the Alaska-Canada boundary north of Stewart, British Columbia. Following the environmental assessment decision of December 19, 2014, by the Minister, the responsible authorities (Fisheries and Oceans Canada, Natural Resources Canada, and Environment Canada) under the former *Canadian Environmental Assessment Act* determined that they may issue any licences or authorizations or perform other duties with respect to the project. The licensing process for this application under the *International River Improvements Act* will continue in 2016.

In April 2015, the Minister issued a licence to the Saskatchewan Power Corporation for the continued operation and maintenance of the

Morrison Dam and Cookson Reservoir. These works, which have been licensed under the *Act* since 1975, are located on the East Poplar River, and provide the principal source of cooling water for the Poplar River Power Station (630 MW) near the town of Coronach, Saskatchewan. The licence is for a term of two years, and the conditions pertaining to river levels and flows are identical to those of the former licence. Environment and Climate Change Canada will consider issuing a longer-term licence upon receipt of the information required on the long-term effects of the improvement, as required under section 6 of the Regulations.

Three other licences, effective August 1, 2015, were issued to the British Columbia Hydro and Power Authority (BC Hydro) for the continued operation and maintenance of the Mica, Hugh Keenleyside (Arrow Lakes) and Duncan dams and their associated water storage reservoirs within the Columbia River basin in British Columbia. These works, licensed under the *Act* since 1965, are an important part of British Columbia's provincial hydroelectrical generating system.

These licences require compliance with the 1964 Columbia River Treaty (the Treaty, [www.nwd-wc.usace.army.mil/PB/PEB\\_08/sitemap.htm](http://www.nwd-wc.usace.army.mil/PB/PEB_08/sitemap.htm)). They were issued for a term of 50 years. The licences include a condition that the term will end 50 years after they

are issued, or upon the termination of the Treaty, whichever is earlier. As of September 2014, either Canada or the United States can terminate the Treaty at any time by giving a minimum of 10 years of notice. In this event, new licences would be required once the termination notice period has expired.

On July 30, 2015, the Minister issued a positive decision statement under the *Canadian Environmental Assessment Act, 2012* for the Brucejack Gold Mine Project in British Columbia. This project is to be located partly on Brucejack Lake and Brucejack Creek, which flow into Sulphurets Creek, a tributary of the Unuk River, which crosses the international boundary north of the town of Stewart. The project, as proposed by Pretium Resources Inc., was subsequently confirmed to be excepted from the application of the *International River Improvements Act* because its effects on water flows and levels will be less than 0.3 cubic metres per second and 3 centimetres, respectively, at the Canada-United States boundary.