



International River Improvements Act Annual Report for 2016

The goal of the *International River Improvements Act* (the *Act*) is to ensure that Canada's water resources in international river basins are developed and used in the national interest. The *Act* has been in force since July 11, 1955, and the responsibility for administering the *Act* has been with the Minister of Environment since June 1971.

Section 51 of the *Act* requires that a report of the operations under the *Act* be tabled in each House of Parliament after the end of each calendar year. This annual report covers activities under the *Act* during the 2016 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 an "international river improvement" which is defined as a dam, obstruction, canal, reservoir, pipeline or other work the purpose or effect of which is (a) to increase, decrease or alter the natural flow of an international river, and (b) to interfere with, alter or affect the actual or potential use of the international river outside Canada. 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 an international river improvement built under the authority of an act of the Parliament of Canada, situated within "boundary waters" as defined in the Boundary Waters Treaty of 1909, or constructed, operated or maintained solely for domestic, sanitary or irrigation purposes or other similar consumptive uses.

There is one set of regulations under the *Act*, namely the *International River Improvements Regulations* (the *Regulations*), which were passed by an 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., effect of less than 3 cm on the level or less than 0.3 cubic metres per second on the flow of water at the Canadian boundary), or if the improvement is of a temporary nature, to be operated for a period not exceeding 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 2016

In 2016, one application for a new licence was received and one licence was issued under the *Regulations*.

In April 2016, the Minister received an application for a twenty-year licence from the Saskatchewan Power Corporation (SaskPower) for the operation and maintenance of the Morrison Dam and Cookson Reservoir in Saskatchewan. These works, which have been licensed under the *Act* since 1975, are located on the East Poplar River, which crosses the Montana-Canada boundary. Cookson Reservoir provides the principal source of cooling water for the Poplar River Power Station (630 MW) near the town of Coronach, Saskatchewan. In April 2015, Environment and Climate Change Canada (ECCC) issued a two-year licence, stating that it was prepared to consider issuing a longer-term licence upon receipt of information on the long-term effects of the improvement, as required under Section 6 of the *Regulations*. This information was provided with the most recent application. SaskPower proposes to continue the operation and maintenance of the facility as per the procedures followed since the facility became operational. ECCC completed the review of the application and consultation processes. The re-licensing process for this application will continue in 2017.

In October 2016, the Minister issued a licence to Seabridge Gold Incorporated for the construction, operation and maintenance of a water storage facility and ancillary water works for the Kerr-Sulphurets-Mitchell (KSM) mine project. The proponent intends to develop a gold, copper, silver and molybdenum mine partly on tributaries of the Unuk River, which crosses the Canada - United States (Alaska) boundary. These works are located approximately 65 km north of the municipality of Stewart, British Columbia. The project underwent an environmental assessment under the former *Canadian Environmental Assessment Act*, and, in December 2014, received approval by the Government of Canada. The works will serve to collect and treat water that has been in contact with disturbed areas from the mine site before the water is released into the receiving environment. The licence under the *Act* is for a term of twenty-five years, which is approximately the halfway point in the projected lifespan of the mine.

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