

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF GEORGIA-PACIFIC CORPORATION OF WOODLAND, MAINE FOR APPROVAL TO RECONSTRUCT A DIVERSION DIKE IN THE ST. CROIX RIVER NEAR BAILEYVILLE, MAINE AND IN ST. JAMES PARISH, NEW BRUNSWICK.

ORDER OF APPROVAL

16 November 1982

Whereas the St. Croix River is a boundary water within the meaning of the Boundary Waters Treaty which was signed on 11 January 1909; and

Whereas in accordance with Article III of the said Treaty and the Commission's Rules of Procedure the Georgia-Pacific Corporation, hereinafter referred to as the Applicant, under the date of 4 May 1982 submitted through the Department of State of the Government of the United States of America an application to the Commission for approval to reconstruct a rock dike at the head of a by-pass channel which is on the west side of a natural island in the St. Croix River and which is located approximately 1100 feet upstream from the existing Grand Falls Powerhouse and 2400 feet downstream from the existing Grand Falls Dam approved by the International Joint Commission on 9 November 1915; and

Whereas the Applicant stated that the purpose of the project was to confine all spillage from Grand Falls Dam to the main channel of the St. Croix River in order to eliminate the by-pass channel flows which obstruct the discharge from the powerhouse and thereby raises the tailwater elevation and lowers the available head for hydroelectric generation; and

Whereas notices that the application had been filed with the Commission and requests for Statements in Response were published in accordance with the Rules of Procedure of the Commission; and

Whereas no Statements in Response were presented to the Commission; and

Whereas pursuant to published notices a public hearing was held at Woodland, Maine on the evening of 13 October 1982 at which all persons interested were afforded convenient opportunity of presenting evidence to and being heard before the Commission; and

Whereas at the hearing the Applicant stated that the diversion dike will be a reconstruction of a rock crib facility originally built in the 1930's and breached in 1952 during a period of unusually high runoff, allowing the gradual formation of an accretion island which is now encroaching upon the fishway and the powerhouse; and

Whereas the Applicant also stated that the water in the reservoir created by Grand Falls Dam normally flows in a canal directly to the powerhouse and only during periods of high runoff is water spilled over the dam so as to adhere to the maximum reservoir level prescribed by the International Joint Commission; and this spilled water flows down St. Croix River and around a natural island with a rocky shoreline separating the main channel from a narrow rock gorge known as the bypass channel; and

Whereas the Applicant also stated that during the maximum anticipated spillage of 3000 cubic feet per second between 300 and 400 cubic feet per second would be diverted to the main channel by the diversion dike raising the water level at the head of the island by a few inches but not the level of the St. Croix River below the powerhouse but would stabilize the water level at the tailrace of the powerhouse and attract fish to the fish ladder; and

Whereas the Applicant owns the land on both sides of the St. Croix River in the vicinity of the diversion dike; and

Whereas at the hearings no one expressed concern about the reconstruction of the diversion dike; and

Whereas the Applicant has forwarded to the Commission permits for the reconstruction of the diversion dike from the United States Army Corps of Engineers, the Maine Department of Fisheries and Wildlife, the Maine Department of Environmental Protection, the Canadian Department of Transport and the New Brunswick Department of Environment; and

Whereas the Commission after consideration of the application, the testimony presented at the hearing and all other information available to it has concluded that the construction of the diversion dike should be approved pursuant to the Boundary Waters Treaty of 1909 subject to the conditions hereinafter set forth.

NOW THEREFORE THIS COMMISSION ORDERS AND DIRECTS that the construction and maintenance by Georgia-Pacific Corporation of a diversion dike in the St. Croix River near Baileyville, Maine and in St. James Parish, New Brunswick is hereby approved subject to the following conditions:

1. The diversion dike shall be located approximately 1100 feet upstream of the Grand Falls Powerhouse and at the head of the bypass channel as shown on plan number 1009-40-003 prepared by Kleinschmidt and Dutton, Consulting Engineers.
2. The diversion dike shall be constructed of eight to twelve inch rock with water retention features on the upstream face and to the elevations and dimensions as shown on plan number 1009-40-002 prepared by Kleinschmidt and Dutton, Consulting Engineers.
3. Before commencing construction of the diversion dike the Applicant shall deliver to the Commission two copies of the appropriate permits from the Maine Department of Conservation.
4. The Applicant shall construct the diversion dike during a period when there is little or no spillage from Grand Falls Dam, shall inform the International St. Croix River Board of Control of their construction schedule and when the diversion dike is completed, and shall provide access to the worksite to the said Board or their representatives during and after construction.
5. The Applicant shall deliver to the Commission two copies of the "as constructed" drawings within ninety days after completion of the diversion dike.
6. The Applicant shall maintain the diversion dike in a manner satisfactory to the International St. Croix River Board of Control.
7. The International St. Croix River Board of Control, established pursuant to the Commission's Order of Approval dated 15 October 1965, shall keep the Commission currently informed on all matters relating to the construction and maintenance of the diversion dike.

The Commission declares that it retains jurisdiction over the subject matter of this application and, after giving such notice and opportunity to all interested parties to make representations as the Commission deems appropriate, may make further order or orders relating thereto as may be necessary in the judgment of the Commission.

This approval will terminate:

- (a) sixty days after the date of the signing of this Order unless within that time the Applicant informs the Commission in writing that it accepts all of the conditions set forth herein;
- (b) three years after the date of signing, unless before that date the diversion dike is essentially complete and operational according to the provisions of this Order.

Signed this 16th day of November 1982.



E. R. Olson



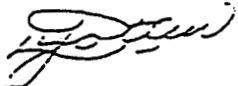
R. C. McEwen



L. K. Eulen



C. M. Bédard



D. L. Totten