

## INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF ST. CROIX PAPER COMPANY OF WOODLAND, MAINE, FOR APPROVAL OF THE CONSTRUCTION OF A STORAGE DAM IN THE ST. CROIX RIVER AT VANCEBORO, MAINE AND ST. CROIX, NEW BRUNSWICK.

### ORDER OF APPROVAL

WHEREAS the St. Croix River, Spednik Lake and East Grand Lake are boundary waters within the meaning of the Boundary Waters Treaty which was signed on 11 January, 1909; and

WHEREAS the condition of the existing dam at the outlet of Spednik Lake, which is owned by St. Croix Paper Company on the United States side of the International Boundary and by its wholly-owned subsidiary, St. Croix Water Power Company on the Canadian side, has deteriorated to such an extent that it should be replaced; and

WHEREAS in accordance with Article III of the said treaty, St. Croix Paper Company, hereinafter referred to as the Applicant, under date of March 3, 1964, submitted through Governments an application to the Commission for approval of the construction of a new storage dam and related works in the St. Croix River at Vanceboro, Maine and St. Croix, New Brunswick to replace the existing structure; and

WHEREAS the Applicant has stated that the water impounded above the proposed dam will be used for hydro-electric generation at the Applicant's plants at Grand Falls, Maine and Woodland, Maine, and also at the plant of the New Brunswick Electric Power Commission at Milltown, New Brunswick; and

WHEREAS notices that the application had been filed 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 in Calais, Maine on 17 September 1964, 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 said application has been made on its own behalf and also on behalf of its wholly owned subsidiary, the said St. Croix Water Power Company; and

WHEREAS at the hearing testimony was presented on behalf of the Applicant describing the nature and purpose of the proposed works; and

WHEREAS at the hearing testimony was presented by a number of persons affected by the levels of Spednik Lake, all of whom favoured construction and operation of the works to bring about a reduction in the extremes of stage previously experienced; and

WHEREAS at the hearing Counsel for the Government of Canada and Counsel for the Government of the United States raised no objection to approval of the application but drew attention to the domestic laws applicable in Canada and the United States, respectively; and

WHEREAS the Applicant, by letter to the Commission dated 16 March 1965, agreed to maintain the water level of Spednik Lake at or above 376.5 msl (mean sea level) from May 1 to October 1 each year; and

WHEREAS a discharge from Spednik Lake of less than 200 cubic feet per second would be detrimental to fish life, pollution abatement and recreation downstream in the St. Croix River; and

WHEREAS applications for authority to construct the proposed works have been submitted to the Federal Power Commission of the United States and to the Government of the Province of New Brunswick and are now pending; and

WHEREAS the Commission after consideration of the application, the testimony presented at the hearing and all other information available to it, has determined that the construction, maintenance and operation of the said works should be approved pursuant to the said treaty subject to the conditions hereinafter set forth:

NOW THEREFORE THIS COMMISSION ORDERS AND DIRECTS that the construction, maintenance and operation, by St. Croix Paper Company and St. Croix Water Power Company, of a storage dam and fish passage facilities at the foot of Spednik Lake be and the same are hereby approved, subject to the following conditions:

1. The dam shall be located at the foot of Spednik Lake at Vanceboro, Maine and St. Croix, New Brunswick, immediately upstream from the existing dam.
2. The dam shall consist of a concrete spillway with Taintor gates and a fishway section flanked by compacted earth embankments.
3. Before commencing construction of the said works, the Applicant shall deliver to the Commission two copies of:
  - (a) the licences or other documents issued by the Federal Power Commission of the United States and by or on behalf of the Province of New Brunswick, respectively, authorizing construction of the works, and of any plans approved incidental thereto; and
  - (b) the communications received from the Department of Fisheries of Canada and the Department of Inland Fisheries and Game of the State of Maine, respectively, approving the design of the said fishway.
4. During construction of the said works, the Applicant shall operate all available facilities and carry out the construction so as to maintain levels and flows as nearly as possible in conformance with those prescribed in Conditions 5, 6 and 7 below.
5. Upon completion of construction, the Applicant shall operate the said works in such a manner that, under water supply conditions within the range of those experienced heretofore:
  - (a) the discharge of water from Spednik Lake shall be not less than 200 cfs;
  - (b) the elevation of Spednik Lake near Vanceboro shall not exceed 385.86 mean sea level, Geodetic Survey of Canada Datum, or as nearly as may be; and
  - (c) the elevation of Spednik Lake near Vanceboro between October 1 and April 30 shall not be less than 371.5 mean sea level and between May 1 and September 30 shall not be less than 376.5 mean sea level, or as nearly as may be.
6. The Applicant shall continue to operate the dam at the foot of East Grand Lake near Forest City, Maine, so that, under water supply conditions within the range of those experienced heretofore:
  - (a) the discharge from East Grand Lake shall not be less than 75 cfs;

(b) the elevation of East Grand Lake near Forest City, Maine, shall not be greater than 434.94 mean sea level nor less than 427.94 mean sea level, the maximum and minimum levels respectively recorded in the past, or as nearly as may be.

7. In the event of water supplies in excess of or less than the supplies experienced heretofore, the said works shall be operated to provide all possible relief to the riparian owners on East Grand and Spednik Lakes and downstream and to provide levels and flows no more extreme than would have occurred if the said works had not been built.
8. The Commission shall appoint a Board of Control, with an equal number of members from each country, to ensure compliance with the provisions of this Order and to keep the Commission currently informed of all matters relating to this Order.
9. Prior to completion of construction of the said works, the Applicant shall obtain the approval of the said Board of Control of the plans or rule curves which the Applicant proposes to follow in regulating the outflows and levels of Spednik Lake and East Grand Lake in accordance with this Order. The regulation plans or rule curves thus approved may be amended by the Applicant from time to time with the prior approval of the Board of Control. The Applicant shall notify the Board of Control forthwith of any deviation from the regulation plans or rule curves currently approved by the Board of Control.
10. The Applicant shall be responsible for furnishing such water level and stream flow data for East Grand and Spednik Lakes as the Board of Control may direct. To this end the Applicant shall install on both Spednik and East Grand Lakes continuous water level recording instruments, equipped with exterior gauges. The type and locations of the said instruments shall be as approved by the said Board of Control.
11. St. Croix Paper Company shall be responsible for the disposition of claims for physical injury or damage to persons or property occurring in United States territory in connection with the construction, maintenance and operation of the said works and for the satisfaction of any such claims that are valid.
12. St. Croix Water Power Company shall be responsible for the disposition of claims for physical injury or damages to persons or property occurring in Canadian territory in connection with the construction, maintenance and operation of the said works and for the satisfaction of any such claims that are valid.

AND IT IS FURTHER ORDERED that the Commission 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 thirty (30) days after the date of the signing of this Order unless within that time the Applicant and St. Croix Water Power Company inform the Commission in writing that they accept all of the conditions set forth herein.

Signed this 15th day of October, 1965.

*A. J. Henry*  
*Eugene W. Weber*  
*Bill [unclear]*  
*Rene Dupuis*  
*Charles R. [unclear]*