

PUBLIC NOTICE

December 17, 2003

IJC terminates Duck Lake Orders of Approval

The International Joint Commission (IJC) has terminated its Orders of Approval governing the dykes surrounding Duck Lake, and the management of water levels inside Duck Lake, located on the Kootenay River at the north end of the Creston Valley in British Columbia. The IJC found that it no longer has a basis for exercising jurisdiction over the works in its Duck Lake Orders of Approval.

Under the Boundary Waters Treaty of 1909, IJC approval is required for structures in transboundary rivers that would raise the water level across the boundary in the upstream country. The IJC issued Orders of Approval regarding Duck Lake in 1949, 1950, 1956 and 1970 based on evidence of transboundary effects on water levels.

The IJC has now been informed by its International Kootenay Lake Board of Control that flood protection afforded by Libby Dam has since reduced to near zero the potential of Duck Lake's dykes to cause backwater effects on the Kootenay River into Idaho, and that the regulation of Duck Lake levels have no appreciable effect on water levels at the international boundary.

The IJC met with residents of the Creston Valley on July 29, 2003, held a public hearing at Creston, British Columbia on September 11, 2003, and accepted comments until October 15, 2003. It received no further information about concerning backwater effects of the Duck Lake dykes in the United States.

The Province of British Columbia now has authority over the management of the Duck Lake water levels and dykes.

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