

Another area in which the Governments of Canada and the United States have held discussions prior to the implementation of a project to ensure that the obligation under Article IV of the Boundary Waters Treaty not to pollute to the injury of health or property is met involves a power project to be constructed by the Saskatchewan Power Corporation on the East Poplar River near Coronach Saskatchewan. The project will consist of a coal-fired thermal electric generating station, a reservoir created by damming the East Poplar River two and one-half miles north of the international boundary to provide cooling water for the station, and a coal strip-mining operation nearby to provide the necessary fuel.

On February 10, 1975, the Department of State in a Note to the Canadian Embassy in Washington expressed the concern of the USA Government that the proposed Poplar River Power Project and its associated coal mining "...could result in transboundary air and water pollution, damage to USA fisheries, wildlife, and the Poplar River's aquatic ecosystem, adverse changes in the water temperature of the river, and preclude developments on the USA reach of that river". The Note also expressed the concern that "consumption of water by this project may exceed an equitable apportionment of the waters of the Poplar River to the detriment of uses in the USA".

The Note in reply, dated February 13, 1975, from the Canadian Embassy to the State Department stated that "...before the project proceeds to the construction stage, the Province of Saskatchewan is required to make formal application for a licence from the Federal Minister of the Environment under the International Rivers Improvements Act. It is a requirement of the regulations issued under this Act that an assessment of transboundary effects be undertaken before any licence can be issued. Moreover, it is possible to include conditions in any such licence which will ensure that the project is so operated as to meet Canada's obligations under the Boundary Waters Treaty. If a licence were issued, it would be the intention of the Canadian authorities to include conditions which would be required to enable Canada's obligations to be met".

Construction of the project is proceeding. The authorization issued to the Saskatchewan Power Corporation by the Saskatchewan Department of the Environment under the provincial Water Rights Act states that "This Authorization is issued subject to the terms of the Boundary Waters Treaty (1909); as well as to any terms and conditions that may be