

- (f) "dam" means a structure to impound water, including facilities for controlling the release of the impounded water;
- (g) "entity" means an entity designated by either Canada or the United States of America under Article XIV and includes its lawful successor;
- (h) "International Joint Commission" means the Commission established under Article VII of the Boundary Waters Treaty, 1909, or any body designated by Canada and the United States of America to succeed to the functions of the Commission under this Treaty;
- (i) "maintenance curtailment" means an interruption or curtailment which the entity responsible therefor considers necessary for purposes of repairs, replacements, installations of equipment, performance of other maintenance work, investigations and inspections;
- (j) "monthly load factor" means the ratio of the average load for a month to the integrated maximum load over one hour during that month;
- (k) "normal full pool elevation" means the elevation to which water is stored in a reservoir by deliberate impoundment every year, subject to the availability of sufficient flow;
- (l) "ratification date" means the day on which the instruments of ratification of the Treaty are exchanged;
- (m) "storage" means the space in a reservoir which is usable for impounding water for flood control or for regulating stream flows for hydroelectric power generation;
- (n) "Treaty" means this Treaty and its Annexes A and B;
- (o) "useful life" means the time between the date of commencement of operation of a dam or facility and the date of its permanent retirement from service by reason of obsolescence or wear and tear which occurs notwithstanding good maintenance practices.

2. The exercise of any power, or the performance of any duty, under the Treaty does not preclude a subsequent exercise of performance of the power or duty.

## ARTICLE II

### *Development by Canada*

1. Canada shall provide in the Columbia River basin in Canada 15,500,000 acre-feet of storage usable for improving the flow of the Columbia River.

2. In order to provide this storage, which in the Treaty is referred to as the Canadian storage, Canada shall construct dams:

- (a) on the Columbia River near Mica Creek, British Columbia, with approximately 7,000,000 acre-feet of storage;
- (b) near the outlet of Arrow Lakes, British Columbia, with approximately 7,100,000 acre-feet of storage; and
- (c) on one or more tributaries of the Kootenay River in British Columbia downstream from the Canada-United States of America boundary with storage equivalent in effect to approximately 1,400,000 acre-feet of storage near Duncan Lake, British Columbia.

3. Canada shall commence construction of the dams as soon as possible after the ratification date.