

MINUTES

International Kootenay Lake Board of Control Public Meeting

Kootenai River Inn
7169 Plaza Street
Bonners Ferry, Idaho

Thursday September 11, 2008
7:30 – 9:30 PM

Attendance

	United States	Canada
Chairs	Col. Anthony Wright (host)	Kirk Johnstone
Members	Kathy Peter	Glen Davidson
Secretaries	Larry Merkle	Daniel Millar
Guests	Commissioners: Irene Brooks (USA), Pierre Trépanier (Canada) Dr. Mark Colosimo (US Section IJC), Tom McAuley (Canadian Section, IJC), Ken Brettmann (USACE), Dave Cochrane (FortisBC) Marc-André Beaucher (Creston Valley Wildlife Management Area), Dean Eastman (Wicks Island Dyking District), Eric Weiss (BC Hydro), Vlad Plesa (BC Hydro), Kelvin Ketchum (BC Hydro), Jim Holland (Mayor of Kaslo), Josh Smienk (Balfour), Verna Mayers-McKenzie (Boswell), Garry Jackman (Kootenay Lake Chamber of Commerce), Al Dawson (Regional District Central Kootenay), Doug Sutcliffe (Creston Valley Association of Dyking Districts), Andy Shadrack (Regional District of Central Kootenay), Ed Atkins (Elk Mountain Farms), Dan Dinning (Boundary County Commissioner), Patty Perry (Kootenai Tribe), David Anderson (Bonners Ferry), John Drysdale (Creston), Llewellyn Matthews (Columbia Power Corporation)	

Minutes

1. Welcome and introductions Tony Wright
Col. Wright welcomed guests and introduced the Board members and Commissioners.
2. Review of the agenda Tony Wright
The meeting agenda was accepted as distributed.
3. IJC and the Kootenay Lake Orders – context Daniel Millar
Mr. Millar gave a short presentation describing the International Joint Commission, its Kootenay Lake Order, the Board of Control and the nature of lake outlet control at Corra Linn Dam.
- 3.1 Kootenay Lake levels 2008 Daniel Millar
Mr. Millar presented a hydrograph depicting water levels on Kootenay Lake during the year and reviewed the Commission's maximum water level criteria. FortisBC, the Applicant to the Order, has successfully maintained water levels below the set criteria during the year. Additional graphs were presented that

illustrated the annual maximum and minimum levels on the lake since 1931, and the timing of the commencement of spring rise since 1938.

3.2

Review of spring rise declaration process

Larry Merkle

Mr. Merkle gave a short presentation describing the process for declaring the commencement of spring rise. Over the past year, the Board has been evaluating this process in response to concerns that the method was too subjective and led to operational concessions at the two upstream dams. A letter recently sent from the Board to major land holders and dyking districts in the Creston Valley and Kootenai Flats sought opinions on the declaration. Response was nearly unanimous in favour of the present method of determining the date of spring rise commencement as opposed to adoption of a fixed date.

3.3

Questions from the public concerning the Kootenay Order and operation of Kootenay Lake in 2008

Tony Wright

[Questions are paraphrased. For clarity, answers may be reported here with more detail than offered at the meeting.]

John Drysdale: To what extent does FortisBC control lake levels? The double high water peak and associated floating debris during June caused significant damage to my breakwater. Why isn't FortisBC compelled to pay compensation? A. *FortisBC operates within the limits set by the IJC Order for Kootenay Lake and, we understand, within its provincial water license. The dam was built prior to much of the lakeside development.*

Verna Mayers-McKenzie: The Regional District has a major concern with accretions of lakeside property below the flood construction level. This problem is perpetuated by land surveyors operating under the guidance of the Surveyor-General. The District is planning to take up the matter with the Minister responsible. A. *The Board understands these concerns. Land owners must be aware of the very limited ability to control the upper extremes of lake level.*

Andy Shaddrack: The Board should avoid the use of a fixed date for the declaration of spring rise.

Garry Jackman: If the Board is reconsidering the Order in the context of spring rise, it must consider all aspects of the Order as they impact on the needs of the people. The Board needs to look at ways to alleviate problems around the lake. A. *In its consideration of spring rise, the Board is only looking at the specific procedures used to implement one aspect of the Order specified by the International Joint Commission. The Order comes from the International Joint Commission, and it is up to the Commission to consider requests to- or the need to- revise it.*

Jim Holland: If the range of lake levels was reduced (such as attempting to limit high water), the chance of an unpredicted event and exacerbated damage are greatly increased. Climate change may bring such a scenario. The Village of Kaslo is observing new structures being built that are threatened by the lake. The IJC should investigate the potential impact of climate change on the application of its Order and so warn the public. Indicated changes need to be made to the Order. Communities must heed the warning and not allow structures to be built too close to the lake. How high can the lake be operated if need be? *A. Dams at the lake outlet have a limited ability to store water. However, with a natural restriction at Grohman Narrows limiting conveyance out of the lake, flood peaks have the potential to reach much higher. For example, in 1961, before the construction of Libby Dam, the lake level reached 1762 feet. The Board understands that the BC Water Stewardship Branch recommends a flood construction level around the lake of 1760 feet and that this level is used by the regional district in its building bylaw. Various information sources suggest the lake begins to impact shoreline development when it reaches about 1750 feet and damage becomes pronounced at 1755 feet.*

Andy Shaddrack: Is the Board aware of BC Hydro's work to compare the water level at the north end of the lake as compared to Queens Bay? *A. While the Board is not specifically aware of these studies, Members are aware that the lake is not statically flat. It responds to effects such as local inflow and wind.*

Josh Smienk: The Board should avoid the use of a fixed date for the declaration of spring rise.

Josh Smienk: The Commission must reconsider its Order. At present, the Order gives no consideration to the significant change in regime caused by the construction of the two upstream Columbia River Treaty Dams.

John Drysdale: When does the Columbia River Treaty expire? *A. The Treaty will not expire if neither of the two countries requests a change or termination. However, the Treaty may be terminated (or renegotiated) no earlier than 2024, provided that at least 10-years notice is given by either country. Hence, if termination or renegotiation were to be proposed for 2024, notice must be given no later than 2014.*

Doug Sutcliffe: Maintain the status quo on the determination of the commencement of spring rise. It is imperative for valley bottom farmers that the lake drops to zero (1739.32 feet) by April 1st to aid gravity drainage of the farmland. If the Idaho farmers receive compensation under the Order for pumping costs, why do not the BC farmers? *A. The Commission balances the transboundary impact through this compensation. Consideration of any compensation*

deemed necessary for impacts within the country in which a dam is located is the responsibility of that country.

Board Co-Chair Kirk Johnstone: Is there a benefit to farmers from the length of time the lake remains low in April? A. (Mr. Sutcliffe) *A few days is all that is needed to drain the land. What is important is that the lake reaches zero.* (Mr. Beaucher) *A longer low water period in April is preferable for reducing pumping costs.*

Doug Sutcliffe: While the flood control afforded by Libby is appreciated, dyke erosion due to river velocities remains a major problem. Costs for repairing the dykes are prohibitive for farmers. A. *Please investigate the various infrastructure funding mechanisms offered by government.*

Marc-André Beaucher: The Wildlife Area is not in favour of a fixed spring rise date.

Dan Dinning: The Board should not pick a fixed date for spring rise.

Eric Sargent (by letter): The current summer levels are too low, depleting aquatic nursery habitat and creating shallow hazards for boating. This year the level was maintained quite high longer than "normal", then dropped suddenly to what seems to be lower than "normal". I'm convinced that the sudden drop also disrupts aquatic life cycles, resulting in high mortality of some species such as fresh-water clams and various slow moving nymphs. I would like to see the level stay like it was in early July this year throughout the summer, or at least have a very slow reduction in level rather than the rapid drop.

Doug Sutcliffe: Is there a minimum summer level? A. *Not one that is stated in the Order. Outside of the Order, other factors such as fish flows may be considered and may further dictate lake level elevations below the rule curve. Such discussions are the purview of the appropriate agencies and the dam operators.*

4.

Adjourn

Col. Wright thanked guests and adjourned the meeting.