

## MINUTES

### International Kootenay Lake Board of Control Public Meeting

Prestige Lakeside Resort and Convention Centre  
Kootenay Salon  
701 Lakeside Drive  
Nelson, BC

Thursday October 22, 2009  
7:30 – 9:30 PM

#### Attendance

	<b>United States</b>	<b>Canada</b>
Chair	Col. Anthony Wright	Kirk Johnstone (host)
Members	Steve Lipscomb	Glen Davidson
Secretary	Larry Merkle	Daniel Millar
Guests	Dr. Mark Colosimo (US Section IJC), Tom McAuley (Canadian Section, IJC), Dave Cochrane (FortisBC), Amy Reese (USACE), Marko Aaltomaa (FortisBC), Dave Cochrane (FortisBC), Dan Egolf (FortisBC), Kelvin Ketchum (BC Hydro), Jim Barton (USACE)	
	<i>And from the community...</i>	
	Jim Todd (Nelson), Dick Murphy (Nelson), Ann Harvey (MP's staff, Crescent Valley), John Rilkoff (Nelson), Ted Ryan (Nelson), Carol Ryan (Nelson), Tim Powell (Nelson), David Cunningham (Nelson), Garry Jackman (Area A Director, Regional District Central Kootenay), John Drysdale (Creston), Don Pogue (Boswell), Ira Schwartz (Nelson), Eric Sargent (Nelson)	

#### Minutes

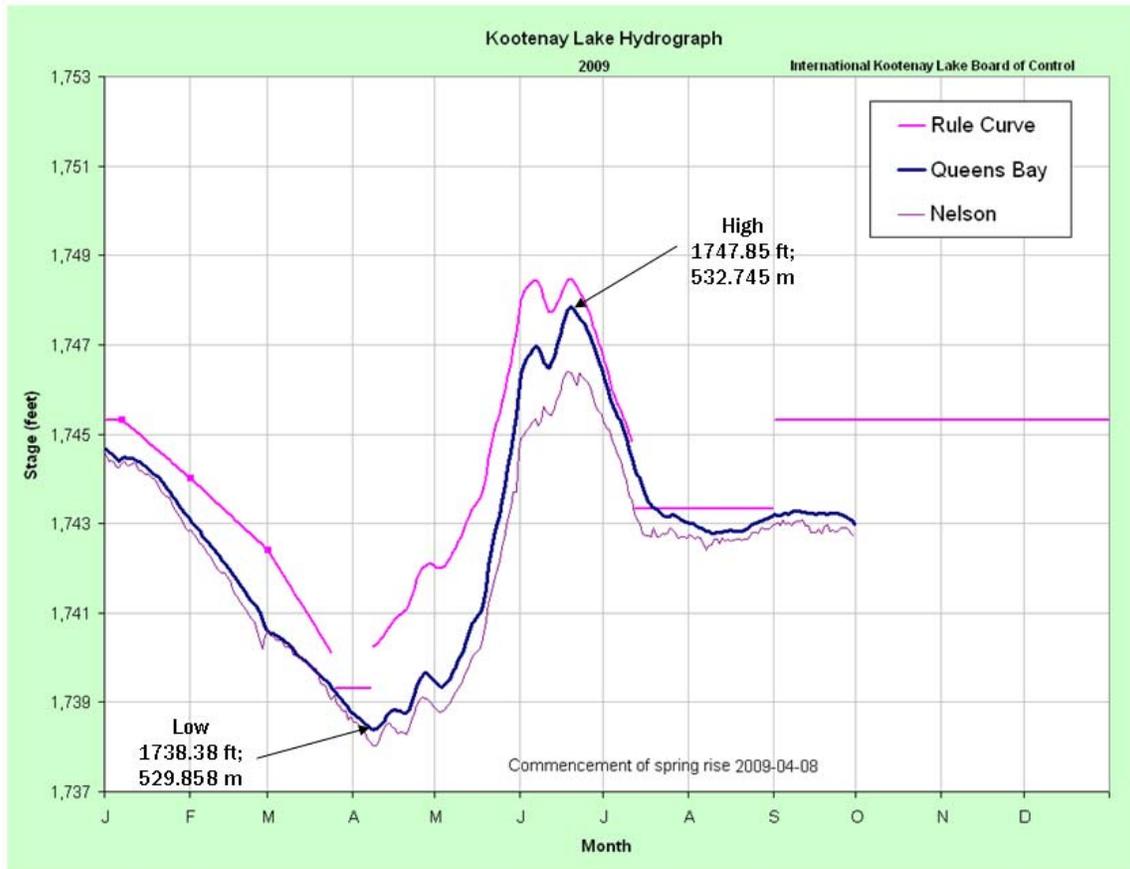
##### **Welcome and Introductions**

Chair Kirk Johnstone welcomed guests. With a short presentation, he reviewed the evening's agenda, introduced the Board members and explained the role of the International Joint Commission and the Board.

##### **Overview of the Kootenay Lake Order and Lake Level Management in 2009**

Board Secretary Daniel Millar gave a short presentation outlining the sections of the Kootenay Order related to lake levels and displayed a lake level hydrograph for 2009. He advised that water levels on the lake have been kept below the upper limit set by the Order during the year to date.

## Kootenay Lake Water Level in 2009 and the Rule Curve



### Questions and Comments from Guests

[Public questions and comments are paraphrased and presented in plain text, followed by the response in *italics*.]

Is the 1938 Order the most recent?

*Yes the 1938 Order is still in effect.*

Does the lowest level of Kootenay Lake occur at about the same time each year?

*Yes, the lowest lake level occurs each year just prior to the freshet; usually in late March or early April.*

Is it possible to fill later than September 1<sup>st</sup>? Why does the lake always begin to rise just after September 1<sup>st</sup>?

*The Order for the lake specifies maximum allowable lake levels. Prior to September 1<sup>st</sup> the maximum level is elevation 1743.32 at Nelson. On September 1<sup>st</sup> the maximum level increases to 1745.32 at Queens Bay. The rate of filling after September 1<sup>st</sup> is the prerogative of FortisBC. The restriction prior to September 1<sup>st</sup> is primarily to reduce ground water levels in agricultural areas upstream of the lake to provide farmers favourable conditions to harvest crops.*

The University of Washington precipitation models for the Columbia Basin are predicting the same total precipitation, but less snow and more rain. Is the IJC taking climate change into account in its planning?

*The IJC is concerned about climate change and is paying attention to scientific developments. The Board is not currently looking at climate change with respect to the Kootenay Order. However, the lowering formula used to calculate allowable water levels during the spring rise is based on lake inflow and is thus sensitive to changes in the climate. Board members, through their parent organizations, follow developments in climate change and adaptation science.*

What happens in 2014 and 2024? Does the Order change?

*The dates referred to are key dates with respect to the Columbia River Treaty. The Kootenay Order was written by the International Joint Commission under authority of the International Boundary Waters Treaty and thus is not affected by these dates.*

Is the rule curve responsible for the precipitous drop in lake levels following the freshet peak? That drop affects aquatic nurseries around the lake.

*The rate of decrease in the water level observed on Kootenay Lake is generally sufficient for the natural movement of aquatic life. However, the Board is not aware of specific studies on this issue for Kootenay Lake.*

Is the International Joint Commission considering a new Order for Kootenay Lake, particularly in light of climate change?

*Revision of the Kootenay Order is not being contemplated at present.*

To whom does the IJC report?

*The International Joint Commission was created by the International Boundary Waters Treaty. Its Commissioners are appointed by the Canadian and American governments (three each).*

Due to the slope of the lake shore, beaches on the West Arm erode when the water level is kept stable. Rafts of floating sand can be seen on the water. Libby and Duncan reservoirs are depleting the sand and silt that rebuilds these beaches.

The storage period [September to January] on the lake affects boating. I usually launch my boat in spring at six feet of storage [1745.32 feet] and pull it out in the fall at the same level. Why hasn't the water level been raised to six feet in the fall for the last few years?

*Dave Cochrane and Dan Egolf: There hasn't recently been enough water available to raise the lake to six feet in the fall and still keep sufficient water running in the lower river. The water is lower than six feet in August to benefit the flatland farmers upstream of the lake.*

The rule curve is not working for fish, people, or power generation. This demonstrates the need to update the Order taking climate change into account.

Is it correct that there is no minimum water level rule curve?

*Yes that is correct. The Kootenay Order specifies only maximum water levels.*

The right to water is a given in Canada. Should we share our water with the United States? Of course! But the Order should be updated.

*Water is a challenging commodity. And it naturally flows across the border. The Order deals only with water level since Corra Linn Dam is capable of raising water levels upstream on the Kootenai River on the other side of the border.*

Does the IJC have any authority over the export of water from the Kootenai River in Montana?

*No. In British Columbia, bulk water export is prohibited. Both countries respect the priority of water licences across the border.*

Is the Board studying erosion related to the rule curve?

*No, but the Board will consider offering advice to the Commission on the matter.*

Was there ever any thought given to a minimum rule curve? At what water level does backwater into Idaho begin?

*Since low water does not create backwater in Idaho, minimum water levels were not considered as an issue requiring a rule curve. Minimum water levels on Kootenay Lake are a domestic matter. An estimate only, backwater probably occurs in Idaho above lake levels of 1743 feet. This is dependent on a number of factors.*

What do we need to do to have the low water around April 1<sup>st</sup> held higher?

*The maximum water level around April 1<sup>st</sup> is generally 1739.32 feet. This level is intended to benefit the flatland farmers upstream of the lake, allowing them to readily drain their land. Below that value, the water level is subject to the water rights (licence) of FortisBC. It is unlikely that this licence incorporates the latitude for government to insist on an adjustment of the company's operations. Concerns about water levels below the rule curve should be directed to FortisBC and the BC Ministry of the Environment.*

Are fluctuations in peak water level predictable. The second summer peak creates a problem for floating debris landing on beaches.

*Dave Cochrane: Water level predictions are based on best available weather and runoff forecasts.*

Will we ever again see six feet of storage on the lake in September?

*Dave Cochrane: Yes, if we have sufficient runoff.*

FortisBC's water level forecasts published in the newspaper are very useful. It would be helpful if these forecasts quoted the 10-year average water level for that date.

Does the IJC have a role in the Columbia River Treaty?

*Generally not, but the CRT identifies a small IJC role for arbitration if ever needed. The CRT acknowledges the Boundary Waters Treaty and the Kootenay Order.*

Who in Canada is responsible for the Columbia River Treaty?

*The federal government through the departments of Natural Resources (NRCAN) and Foreign Affairs (DFAIT), and the Government of British Columbia through the ministries of Energy (MEMPR) and Environment (MoE).*

Who, from Canada, would lead on CRT negotiations?

*DFAIT, in close cooperation with the Government of BC, would negotiate with the US State Department if the occasion ever arose.*

About 20 federal agencies have responsibilities for water. This is too many to have faith in government.

Are rumours about possible dredging of Grohman Narrows true?

*Yes, there is ongoing informal consideration of such dredging.*

Is the IJC considering an International Watershed Initiative (IWI) for the Kootenay? What is the schedule for this?

*The IWI program started in 2000 with pilot projects. Since that time, only the St. Croix Board has become a full international watershed board. There are no specific plans to bring the Kootenay into the program at present.*

Is public accountability built into the international watershed boards?

*Such questions should be directed to the Communications Officers at IJC headquarters.*

**Adjourn**