

MINUTES

International Kootenay Lake Board of Control Annual Meeting

**Bonners Ferry Fire Hall Meeting Room
7137 First Street
Bonners Ferry, Idaho**

**October 28, 2004
2:30 - 4:30 PM**

Attendance

	United States	Canada
Chair	Col. Debra Lewis (host)	Kirk Johnstone
Members	Kathy Peter	Glen Davidson
Secretary	Larry Merkle	Daniel Millar
Guests	Commissioner: Irene B. Brooks Jim Chandler (Legal Advisor, U.S. Section, IJC), Tom McAuley (Engineering Advisor, Canadian Section, IJC)	

Agenda

1. Welcome and introductions Debra Lewis

Col. Lewis welcomed Board members and led round table introductions.

2. Review of the agenda Debra Lewis

The draft agenda was adopted.

3. Business from previous meeting

- 3.1 Status of Proposal to change Libby project operation (VARQ) Larry Merkle

Larry Merkle provided information on ongoing actions by the U.S. Army Corps of Engineers in cooperation with several other U.S. agencies and with coordination with various Canadian agencies. The Corps has two major actions. They are:

1. Upper Columbia Alternative Flood Control and Fish Operations Environmental Impact Statement (UCEIS). This is the EIS for VARQ operation.
 - o VARQ was implemented on an interim basis in Water Year 2003
 - o Spring 2005-Draft EIS will be available for comment
 - o Late Spring/Early Summer 2005-EIS Comment Period/Public Meetings
 - o Late Summer/Early Fall 2005-Final EIS and Record of Decision
 - o January 2006-Implementation of Selected Operational Alternative at Libby and Hungry Horse Dams.
2. Re-consultation with U.S. Fish and Wildlife Service (USFWS) on effects of Federal Columbia River System operation on Kootenai River white sturgeon and bull trout. The effects are being studied and a final Biological Opinion

(BIOP) is expected by spring, 2005.

A constraint on all these studies is that none of the proposed changes are allowed to cause a violation of the IJC Order on Kootenay Lake.

Some of the changes and proposals will have effects downstream in Canada. For example VARQ operation at Libby will cause maximum annual Kootenay Lake elevation to be higher in mid-range volume runoff years. Study managers are making every effort to include Canadian interests in the planning.

3.2 Status of Duck Lake Operation

Larry
Merkle

IJC termination of the Duck Lake Orders in December 2003 eliminated the official involvement of IJC and the Kootenay Board in operation of the Duck Lake project. Larry Merkle furnished information on operation of Duck Lake since Order termination to help the attendees assess the impact of the termination action. Mr. Merkle stated that the information was based upon a telephone conversation with Brian Stushnoff, Area Manager for the Creston Valley Wildlife Management Authority (CVWMA) on 20 October 2004.

CVWMA has tentatively decided to operate the project very similar to the operation prescribed under the old IJC Orders, i.e., draw Duck Lake down generally following the annual drawdown of Kootenay Lake. However, CVWMA plans to limit the maximum drawdown similar to that allowed under the IJC's Special Order for 2003 where CVWMA was permitted a maximum Duck Lake elevation 1744 at the end of the drawdown period. After the freshet the lake is typically held to a maximum elevation of approximately 1745 feet.

CVWMA has received no complaints from fisherman during 2004.

Mr. Stushnoff said he has had cooperation from British Columbia Provincial officials who so far are allowing CVWMA to follow the plan of operation described above.

4. New Business

4.1 Compliance with the Kootenay Lake Order in 2004

Daniel
Millar

Daniel Millar reviewed the 2004 Kootenay Lake hydrograph for Board members. (See appendix 1.) During the year to date, FortisBC has managed lake levels below the prescribed maximum level except for a few hours on August 18 when Nelson levels exceeded the allowable maximum by 0.07 feet. So far this year, Kootenay Lake (Queens Bay) reached a maximum level of 1746.10 feet on June 15 and dropped to a minimum of 1738.93 feet on March 30. Spring rise was declared on April 7, signaling the use of "lowering" calculations to determine the lake's maximum permitted level.

Mr. Millar reminded Board members of the change in operation of the Nelson water level gauge that occurred on July 30, 2003 (detailed in the 2003 annual report) in which the Applicant took over the operation of the gauge from Water Survey of Canada. Section 6 of the 1938 Order states that the operation of this gauge must be to the satisfaction of the Board. In order to determine the standards to which FortisBC operates this gauge, Mr. Millar has requested that Dan Egolf, the company's representative, provide the Board with a note outlining the standards and procedures that the company has adopted to operate the gauge. A response from FortisBC is not yet in hand.

Glen Davidson will check the company's water licence to determine if that document specifies any standards or procedures for operating the gauge.

4.2 Libby Operation and Bonners Ferry Observed Stage

Larry
Merkle

Larry Merkle presented hydrographs reflecting 2004 operation for Libby Dam project showing inflow, outflow and reservoir elevation and the associated stage hydrograph for Bonners Ferry. (See appendix 2.) The hydrographs affirm that 2004 has been a low runoff year and thus many of the issues associated with high river and lake stage and discharge have not been experienced. Libby discharge was increased in late May to encourage sturgeon spawning, and was maintained through September principally for the benefit of bull trout and Lower Columbia River salmon.

- 4.3 Larry Merkle provided information on this topic as one of general interest to the Board Larry as no action by the Board is required. Various U.S. proposals for enhancing sturgeon spawning call for investigation of holding the level of Kootenay Lake higher. Also, VARQ operation at the Libby project will increase the maximum annual level of Kootenay Lake in mid-range volume runoff years. Although a constraint on all these studies is that adopted actions not cause a violation of the 1938 IJC Order on Kootenay Lake, it is important to know the level of Kootenay Lake where significant damage is experienced around the lake. Discrepancies exist in various reference documents concerning the Kootenay Lake stage at which significant flood damage begins to occur. Some U.S. documents list Kootenay Lake "flood stage" as elevation 1755 feet at Nelson. Some Canadian sources indicate damage may begin at stages as low as 1749.3 feet on the Queens Bay gauge. B.C. Hydro and FortisBC recently indicated that they are considering a study to better define the Kootenay Lake stage where significant damage is experienced.

5. Adjourn

Col. Lewis thanked participants and adjourned the meeting.