

MINUTES

International Osoyoos Lake Board of Control Annual Meeting

Holiday Inn Sunspree Resort
7906 Main Street
Osoyoos, British Columbia

September 9, 2003
3:00 PM

Attendance

	Canada	United States
Chairs	Kirk Johnstone (host)	Dr. Cynthia Barton
Members	Glen Davidson for James Mattison Brian Symonds	Col. Debra Lewis Kris Kauffman
Secretaries	Daniel Millar	Robert Kimbrough
Guests	Commissioners: Irene B. Brooks, Allen I. Olson, The Rt. Hon. Herb Gray Murray Clamen (Secretary, Canadian Section, IJC), James Chandler (A/Secretary, US Section, IJC), Tom McAuley (IJC), Lisa Bourget (IJC), Larry Merkle (Corps), Marian Valentine (Corps), Nick Heisler (IJC), Ray Newkirk (Washington Department of Ecology)	

Agenda

1. Welcome and introductions Kirk Johnstone
2. Review of the agenda Kirk Johnstone

Mr. Johnstone tabled the agenda and reminded members that the minutes of the previous meeting had been approved shortly after that meeting, per the Board's policy decision at that meeting. Mr. Kauffman asked that the agenda be amended to review a specific item from the previous minutes. See item 4, 'New Business', below.
3. Business from previous meeting
 - 3.1 Geo-referencing outlet channel survey reference Robert Kimbrough points (Ray Newkirk)

Mr. Kimbrough reviewed the history of the Board-approved method of determining sufficient channel conveyance above Zosel Dam per the 1985 Order. (See appendix 1 for details.) He noted that the Board had asked the Applicant to geo-reference the bench marks, and include the conveyance assurance procedure in the facility's operation manual. The bench marks have been marked, and six of eight bench marks have been geo-referenced (the other two are currently submerged). Once the final two are complete, a letter will be sent to the Board (**Action: Kimbrough, Newkirk**). Mr. Johnstone asked that the letter be sent by this fall. Incorporation of the procedures into the operating manual is still outstanding. Mr. Newkirk will attempt to complete that task this year.
 - 3.2 Re-issuance of the Osoyoos Orders in 2013 Dr. Cynthia Barton
 - Commission's March 3/ March 26, 2003 letter –
"Commissioners would be interested in discussing with the Board at the next convenient opportunity the possibility of

developing a Plan of Study for the review of the Osoyoos Lake Order of Approval, including who might draft it and how to address public involvement.”

- Board’s suggestion that the Commission write to the Applicant concerning their intent to reapply
- Timeline/schedule for renewal

Dr. Barton recapped the Board’s perception of the renewal process discussed during the Board’s April 1 teleconference. She noted that the current Order will terminate by Feb 22, 2013. The renewal steps should include identification of the Applicant, development a draft plan of study, public input, finalization of the Plan of Study, the necessary studies, IJC consultation, and renewal. In the near future, the Board would like to discuss, with the Commission, the formation and composition of a study team, and the Commission’s expectations for consultations with various lake users. Studies would look at both beneficial and detrimental effects of any proposed lake management regime. Some considerations: the Boundary Waters Treaty would not change, the dam structure would not change, and the study is currently proposed to relate to the management and effects of lake levels. The study team would also need to project the future impacts of factors such as climate change. Current management criteria, particularly drought criteria, would require study to ensure that they optimize lake levels for all uses. These issues were covered in more detail in Dr. Barton’s presentation (for the public meeting), which was circulated with the briefing package.

Mr. Kauffman noted that issues such as the minimum water level for irrigation pumping—as referred to in the 1982 Order—need to be reinvestigated. He also inquired about the relationship between the study team and the Board of Control. Ms. Bourget replied that two models have been used by the Commission in the past: a separate study team of experts, and a team composed of Board Members. Mr. Johnstone noted that getting a better idea of necessary studies will help the Board advise the Commission on how to proceed with the process. He also noted that the Commission has not yet written to the Applicant inquiring about their intentions. It is possible that the Commission could request that the applicant undertake some of the necessary studies as part of a future application for renewal.

Mr. Newkirk asked if the state and province still intended to discuss the renewal issues, as requested previously by the Board. Dr. Barton noted that the studies the Board has suggested thus far had, in part, come from such talks. Mr. Kauffman replied that the closer the state and province are on renewal issues, the more straightforward will be the handling of the reissuance. Mr. Johnstone reminded the Board that the province and state had, in the past year or so, suggested that such discussions were not yet a priority for them.

In discussion about what would happen if the state chose not to reapply, Mr. Newkirk suggested that the only benefit of the Order for Washington was the drought year storage. Mr. Kimbrough noted that the facility would continue to fall under the Boundary Waters Treaty and that the Commission must remain involved.

4. New Business

Mr. Johnstone invited review of the previous minutes. Mr. Kauffman noted that most germane was the information on drought condition history in

those minutes. Dr. Barton suggested that a display of drought conditions/years could be added to the Board's web site. **(Action: Kimbrough)**

With respect to the 2002 public meeting minutes, Mr. Kauffman suggested that Mr. Hallauer's comments should be answered with a remark that damming the Similkameen was not in the purview of the Board. Mr. Johnstone said that the Board could note this response in the minutes of the evening's public meeting.

- 4.1 Compliance with the IJC Orders in 2002-2003 Robert Kimbrough

See appendix 2. Mr. Kimbrough reviewed the 2002-2003 lake levels. The year 2003 is a drought year, and summer lake levels are being managed between 910.5 and 913 feet per the Order. All three drought criteria were met. Mr. Johnstone suggested adding the snow survey bulletin and its date to the minutes (or annual report) as a matter of record. The annual report should also note the informal agreement between the state and province to transfer the top half foot of Osoyoos Lake drought storage to Okanagan Lake (thereby limiting the maximum level on Osoyoos Lake to 912.5). This top half foot (912.5-913 ft) negatively impacts tourism and groundwater for surrounding properties.

5. Preparation for Public Meeting

(As the Commissioners and Commission staff arrived, Mr. Johnstone invited a second round of introductions.)

- 5.1 Review of Public Meeting Agenda Kirk Johnstone

Focused on the Order renewal process, the Board will be looking for public feedback on studies that the public feel are warranted for the review, and on a public involvement process for the renewal.

Mr. Johnstone reviewed the public meeting agenda, and confirmed participation.

Commissioner Olson asked about the reapplication given the tendency of late to remove dams. He also asked who at the State of Washington should receive the letter from IJC regarding reapplication. Members replied that Zosel Dam would not likely be subject to removal. Further, the application should be addressed to the Governor of Washington. Finally, Commissioner Olson asked about concerns First Nations may have with the dam. Mr. Symonds replied that most dam removals are based on fish interests. As Zosel does not block fish, this is not an issue with the local First Nations.

Mr. Clamen suggested that a letter to the Applicant, concerning their intent to reapply, could be discussed at an upcoming IJC meeting, and possibly sent by year's end.

Mr. Symonds reviewed the geography of the Okanagan system for the benefit of the new Commissioners.

Mr. Johnstone reiterated to the Commissioners the earlier question about the relation between the renewal study team to the Board. The Commissioners replied that they would listen closely to the Board's advice. Mr. Clamen added that the Commission could use either approach, i.e. a study team internal or external to the Board.

6. Adjourn

Appendix 1

Channel Capacity below Osoyoos Lake International Osoyoos Lake Board of Control Annual Meeting, September 9, 2003

BACKGROUND

The 1985 Supplementary Order of Approval calls for the Applicant (State of Washington) to ensure that the control structure for Osoyoos Lake (Zosel Dam) can pass a flow volume of at least 2,500 cubic feet per second (ft³/s) when the elevation of Osoyoos Lake is 913 feet and there is no appreciable backwater effect from the Similkameen River.

NEW CRITERIA FOR VERIFYING CHANNEL CAPACITY

September 1996, State of Washington petitioned the Osoyoos Lake Board of Control (OLBOC) to use annual hydrologic records for verifying the hydraulic capacity of the outlet channel and Zosel Dam.

September 1998, the OLBOC approved the following new criteria:

1. Hydrologic records of Osoyoos Lake level and Okanogan River at Oroville discharge can be used in lieu of control section surveys for verifying the hydraulic capacity of the outlet channel and Zosel Dam.
2. If the hydrologic conditions that could verify the channel's capacity do not occur for five consecutive years (2,500 ft³/s at lake elevation 913 feet), then the four control sections must be resurveyed prior to the 6th year.
3. The four control sections shall be resurveyed at least every 10 years, commencing September 1996.
4. A HEC-2 or equivalent step-back-water hydraulic analysis shall be made whenever a resurvey is done.

ACTION ITEMS

The State of Washington will incorporate the alternate procedures into the Zosel Dam Operating Procedures Manual and copies will be made available to the OLBOC.

The State of Washington will mark the location of the four cross sections with surface monuments.

The State of Washington will georeference the location of the four cross sections by the September 2003 annual meeting of the OLBOC and will notify the Board when this is complete.

Appendix 2

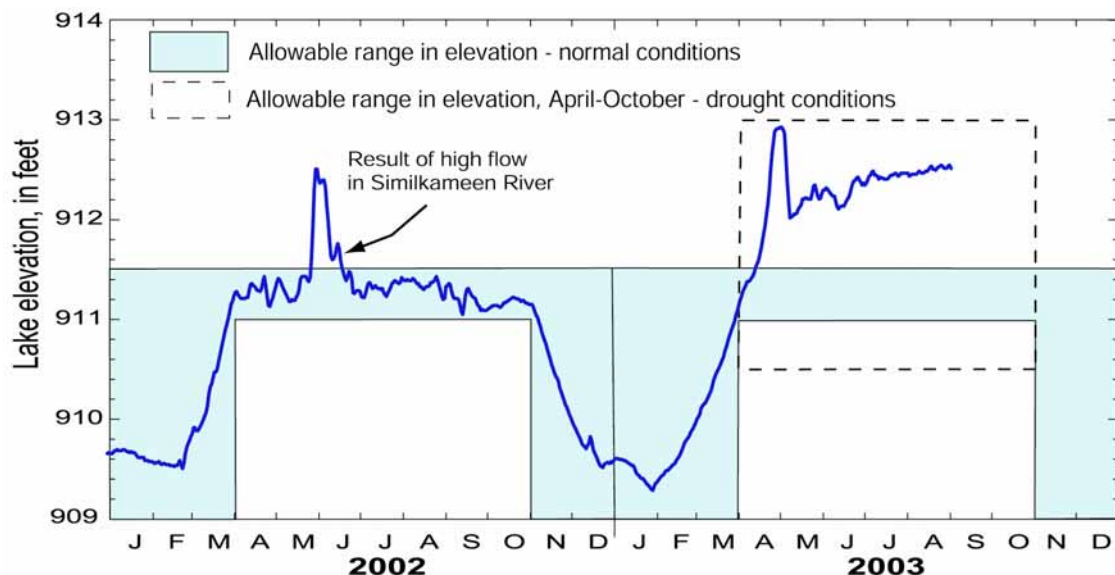
Agenda item 4.1, Compliance with the IJC Orders in 2002-2003

Throughout any given year, the level of Osoyoos Lake may fluctuate between levels prescribed by the International Joint Commission's Orders of Approval dated December 9, 1982

I. Allowable range in Osoyoos Lake elevation*

1. November - March 909.0 - 911.5 feet
2. April - October
Non-drought years 911.0 - 911.5 feet Drought years 910.5 - 913.0 feet

*Natural conditions such as backwater from the Similkameen River or high inflow to the lake may cause lake levels to rise above these ranges.



II. Declaring a year of drought. At least one of the following criteria must be met in order for the Board to declare a drought:

(a) the volume of flow in the Similkameen River at Nighthawk, Washington for the period April through July as calculated or forecasted by U.S. authorities is less than 1.0 million acre feet.

(b) the net inflow to Okanagan Lake for the period April through July as calculated or forecasted by Canadian authorities is less than 195,000 acre feet.

(c) the level of Okanagan Lake in June or July as calculated or forecasted by Canadian authorities is less than elevation 1,122.8 feet (Canadian Geodetic Survey Datum).

III. Drought Declaration in 2003

April 8, 2003 U.S. National Weather Service issued final forecast for volume of flow in the Similkameen River at Nighthawk for April-July 2003 equal to 950,000 acre-feet.

April 8, 2003 Board notified the Applicant (State of Washington) in writing that drought conditions were in effect and lake levels should be maintained between 910.5 and 913.0 feet during April-October 2003.

IV. Actual Hydrologic Conditions in 2003

Criteria	Actual value in 2003	Drought criteria met?
Flow in the Similkameen less than 1 million acre-feet	781,500	Yes
Inflow to Okanagan Lake less than 195,000 acre-feet	138,000	Yes
Level of Okanagan Lake less than 1,122.8 feet	1,122.46	Yes