

**SPRING QUARTERLY
BOARD MEETING MINUTES**

International Kootenay Lake Board of Control

Microsoft Teams Meeting
hosted by ECCC

Tuesday, May 17, 2022
1:00 – 2:30 PM (PDT)

Participants

	Canada	United States
Chair	Dave Hutchinson	Colonel Xander Bullock
Members	Ted White (absent)	Roy Bartholomay
Secretariat	Martin Suchy	Sonja Michelsen
IJC Advisors	Rob Caldwell Paul Allen	Adam Greely Avni Solanki Jeff Kart
Guests	Cameron Wyndham (ECCC student)	

Supporting Documents (attached to email)

IKLBC_ORDER_DELIBERATIONS_20220512.docx
Board_Expansion_Considerations_20220405.pdf

1. Welcome

The virtual meeting, held using the Teams platform, was opened at 1:00 pm by Dave Hutchinson (Board Chair, CAN Section). Cameron Wyndham was introduced as a student intern at Environment and Climate Change Canada, supporting the NHS Boundary Waters West group.

2. Hydrologic Conditions

Martin Suchy (Secretary, CAN Section) summarized the current basin conditions. Temperatures have been cooler than normal, especially in April. Lower elevation snowpack has melted out, but snowpack is still high at high elevations. Snow is still accumulating east of Nelson. Due to the amount of snow remaining in the basin, there is a potential for flooding. There was a short increase in river flow in early May, correlating with a brief temperature increase. Kootenay Lake levels are expected to continue to increase.

3. Grohman Narrows Visualization Tool Update

Martin Suchy updated the board on the IWI Visualization Tool. The contract between the IJC and contractor has been signed. The kickoff meeting is on May 25th. The current work timeline targets a functional draft tool ready for the public meeting in early October. Dave Hutchinson confirmed that the local advisor will be invited to the kickoff meeting. Martin Suchy confirmed.

4. Order Review Deliberation

Dave Hutchinson began deliberations by summarizing three potential paths forward: No Order Review recommended, recommend an Order Review conditionally, or recommend an Order Review immediately. Martin Suchy brought up the additional consideration on whether a board expansion would play into an Order Review. The board did not suggest additional paths.

Dave Hutchinson suggested that the board consider the Order Review recommendation independent of consideration of the Columbia River Treaty, i.e. “cognitively pure”. Col Bullock (Board Chair, US Section) agreed. Col Bullock also asked whether there were other external factors the Board should consider other than the CRT. None were suggested. Discussion followed the Order Review Deliberation document topics.

4.1 Climate Change

Climate change considerations in the Kootenay Lake watershed were summarized. A warmer climate and more precipitation are predicted for the Pacific Northwest, which will likely impact lake inflow and upstream dam inflow. The existing 1938 Order holds Kootenay Lake drawdown constant in time and space, which could have negative impacts in a changing climate. Low flow conditions in a changing climate may be reduced due to the upstream dams. A detailed analysis of impacts has not been determined and would require additional studies.

Col. Bullock stated that climate change is an acknowledged reality for both countries. He asked for clarification, if an Order Review is recommended, would the board be making changes to the Order based on potential future conditions, or an already-established inability to meet the rule curve? He proposed a clause along the lines of “review the Order if we have X years that exceed the rule curve” over a specified period of time (i.e 6 times out of 10 year). Dave Hutchinson stated that in the early 2010s there were numerous exceedances in early spring.

Roy Bartholomay (Board member, US Section) stated that if the Order has served well in both wet and dry years, there may be a case for its resilience.

Adam Greeley (IJC Advisor, US Section) pointed out the IJC Climate Change Framework is a potential tool that could be used to assess climate change vulnerabilities, magnitude of change and time frames. Aside from Order Reviews, the IWI is encouraging boards to consider climate change. Depending on the analysis, it could show the current Order is sufficiently resilient.

It was stated that the IKLBC is a compliance board. If an Order Review is recommended, it will require more local engagement lead by the board, and ultimately more work. Overall the board was undecided whether it had sufficient information on climate change vulnerability to decide whether a review is required at this time.

4.2 Environment

Environmental and ecological considerations were discussed. Dave Hutchinson pointed out there is currently some flexibility in the Order for intermittent drawdown operations for kokanee spawning in Kootenay Lake in the autumn, but this is not required, and there is no flexibility in the spring. Fortis can operate as they prefer, which may prioritize power over environmental. The burbot and sturgeon recovery efforts fall more on the US side of the border and have not been previously discussed by the board. Col Bullock asked if the Order has flexibility but not enforcement, should there be a review to require environmental considerations?

IKBLC is a compliance board responsible for Kootenay Lake, which is a narrow scope. Col Bullock shared the board's mission: "The Board is responsible for the supervision of the operation of the Corra Linn Dam and ensures that conditions set for Kootenay Lake are maintained." It was stated that lake levels aren't the only thing impacting the environment, so the responsibility might be shared with / fall on other organizations. Roy Bartholomay stated that environmental consideration were not included at the Order's initiation 80 years ago and that awareness has increased over time. Overall, board members concluded that the lack of ecological considerations in the current order, warrants a review of the order.

4.3 Agriculture

Board chairs stated that there haven't been any known issues with agricultural interests communicated to the board. The annual pumping payments paid by the Applicant to farmers in the Kootenai Flats of Idaho to compensate for additional pumping (beyond the \$3000 annually in the 1938 Order) was negotiated directly between Fortis and the agricultural interest). It may be possible that some are not satisfied with the current arrangement, but it seems to be working. Dave Hutchinson pointed out that there has been environmental efforts to reconnect the riparian areas in the Kootenay Flats region, and it is unclear how that might play into this theme. Overall, agricultural issues are not driving an order review.

4.4 Flood Risk

The board agreed that lake side flooding risks are tied directly to climate change considerations. Dave Hutchinson stated that there has been significant encroachment around Kootenay Lake from development, which increases damages from higher lake levels. Changes in lake levels could receive criticism from locals and developers; however, the upstream reservoirs have substantially decreased flooding around the lake, and the board does not consider flood management on its own as a reason to review the order

4.5 Grohman Narrows

Dave Hutchinson summarized that dredging would allow for greater control of lake levels (previous studies already undertaken), but this has received opposition from downstream communities. Col Bullock pointed out a similar concern was raised at the Regional District of Central Kootenay (RDCK) meeting in February 2022. Potential climate impacts are varied – higher winter base flows and lower freshet peak would decrease need for additional high flow control. Rob Caldwell (IJC Advisor, CAN section) pointed out that climate change also causes greater variability on the extreme. Greater variability at extremes could warrant benefits of additional control. An Order Review might identify strengths of existing Grohman Narrows channel capacity and/or limitations. If an order review were to be undertaken, the concept of additional dredging may be a consideration.

4.6 General

Dave Hutchinson summarized the Order Review general deliberation topics with board agreement. The IJC has been pushing to review board orders to stay current with changing conditions. The current order has no exit clause or mandatory review period. This could be addressed with a supplementary order as opposed to a new order altogether.

4.7 Discussion

Col Bullock asked for clarification on any known/expected impacts on Corra Linn from the CRT modernization. None were known by those in attendance. He suggested that the board may be open to an Order Review or a climate change vulnerability study at first

Dave Hutchinson stated concern about changes to inflow from climate change and/or the Columbia River Treaty negotiations. Rob Caldwell suggested that there may be more uncertainty from climate change than from the CRT.

The IJC Climate Change Guidance Framework could be used to inform an Order Review or as part of a full Review. The board requested clarification from the IJC advisors on the process for both an Order Review and a Climate Assessment. IJC advisors stated that the climate assessment could exist outside an Order Review or within it, and that they would follow up with more information.

Col Bullock suggested beginning with this climate assessment, followed by a full Order Review. The Climate Assessment could be used to inform and direct an Order Review. It could function as a screening tool for the board. Dave Hutchinson suggested this would be preferable, as the current deliberation considerations were a bit like a shotgun approach. Rob Caldwell pointed out the climate analysis process can be lengthy, and that it alone could take a couple years. The board will need to be specific on any scoping of a plan of study. Considerations may include, what is the reference asking? A detailed plan of study will need details on what studies are needed? What sequence of studies. Scale of funding? How the board will engage on the study. Will other basin wide issues such as aquatic invasive species or Elk Valley mining be included?

Board consensus focused on recommending a multi-phased climate change vulnerability assessment of Kootenay Lake and Corra Linn operations first, to inform and direct the recommended Order Review with more specificity. The IKLBC agreed they were comfortable sending a letter to the IJC stating this decision. Board secretariate will work together to update the IKLBC Work Plan to include a climate vulnerability assessment (environmental fragility), and

to draft a letter to the IJC summarizing the IKLBC plan and recommendation for the Order Review, prior to the June meeting.

5. Board Expansion Deliberation

Col Bullock initiated this discussion by acknowledging support of the momentum to expand the board. He requested that the board remain focused on the mandate and cautioned against operating as a watershed board. Dave Hutchinson echoed caution against expansion for the sake of expansion. Rob Caldwell offered that a watershed board (vs a water control board) has specific criteria, including indigenous representation and public membership.

Martin Suchy stated that board expansion has been beneficial to boards, even those with narrow scopes, such as the Osoyoos. IJC advisors stated that it wasn't without challenges, if expansion occurs then an orientation on the IJC role is helpful to ensure members understand the board's function. For other boards it has been beneficial for public members to be included to improve communication on the boards. It may also be beneficial in future Order Review studies and decisions.

Col Bullock questioned how decisions are reached – if it is consensus, what happens if the board cannot agree? Rob Caldwell shared that if a board cannot agree, the decision gets moved up to the IJC commissioners. The IKLBC requested example documents on board structure, policy, guidelines, decision making.

Adam Greeley shared that the Lake Ontario Board expanded from 6 members to 12 members. This was too cumbersome for decision making. The board has been reduced back to 6 members with supporting advisory groups with members of the public or indigenous representation. This may include additional perspectives but decreases the number required to make compliance decisions. Col Bullock disagreed with this option, as it could be considered condescending or racist to create a second tier of leadership without decision making power.

Col Bullock stated successful experience with decision making groups consisting of 8 people or less. Martin Suchy clarified that the board is likely looking at 1 to 2 new members per section (US and CAN).

The secretariate are putting together a list of potential candidates. The board will decide who to approach and how to do so at the June meeting.

6. Adjourn

The meeting adjourned at 2:33.