

# Directive to International Kootenay Lake Board of Control

October 24, 2016

1. The International Joint Commission (Commission) issued an Order of Approval on 11 November 1938 pursuant to the Boundary Waters Treaty of 1909 regarding the construction and operation of Corra Linn Dam and related works on the Kootenay River in British Columbia and the storage of water on Kootenay Lake.
2. The Commission established the International Kootenay Lake Board of Control (Board) in Condition 5 of its 1938 Order.
3. Under the direction of the Commission, the Board is charged with ensuring compliance with the provisions of the Commission's Order and acting as an adviser to the Commission.
4. The Board's duties shall be to:
  - a. Ensure compliance with the terms of the Order and with any instructions of the Commission issued with respect to the Order. Whenever, in the opinion of the Board, the terms of the Order are not being complied with, the Board shall inform dam owners and operators and make such recommendations as it considers appropriate. At the earliest opportunity, the Board shall report any non-compliance to the Commission, the circumstances under which it occurred, the action taken by the Board, and the action, if any, taken by or on behalf of the dam owners and operators. If the dam owners and/or operators do not cooperate with the Board and continue to not comply with the Order, the Commission should be informed immediately.
  - b. Keep the Commission currently informed of all matters relating to the Order. Alert the Commission to existing or potential Kootenay Lake water levels above the maximum levels specified in the Order, as may happen from time to time under certain watershed conditions; and provide the reason for the exceedance above the maximum levels.
  - c. Determine the date of the commencement of the spring rise, doing so in collaboration with the Applicant.
  - d. Maintain awareness of potential impacts of the operation and maintenance of Corra Linn Dam on water management on the Kootenay River and Kootenay Lake. Apprise the Commission of such water management issues relating to the terms of the Order as appropriate.
  - e. Meet annually with the applicant to discuss water level issues that have occurred during the previous year. Locations of such meetings shall typically alternate between the United States and Canada.
  - f. Convene a public meeting at least annually to report on the Board's work and receive the views of the public. Facilitate provision of timely and pertinent information on Board activities in the most appropriate manner including electronic means, such as on the Board's page on the Commission website. Ensure notifications are issued regarding unusual Kootenay Lake water level and outflow conditions, such as anticipated exceedances above the maximum levels specified in the Order's rule curve, so that, to the degree possible, the public at large may be informed and have such advance warning as is feasible.

- g. Coordinate with appropriate Native American, First Nation and Métis representatives, government agencies, and other institutions in both countries as may be needed or desirable.
  - h. Carry out such other studies or activities as the Commission may, from time to time, request.
  - i. Prepare an annual work plan including both routine board activities and new initiatives planned to be conducted in the subsequent year. The work plan shall be submitted annually to the Commission for review.
  - j. Submit a report covering Board activities annually to the Commission, at least three weeks in advance of the Commission's spring semi-annual meeting, and submit such other reports as the Commission may request or the Board may desire. Among other items, the annual report shall include a summary of: the annual hydrologic conditions, the Applicant's gauging maintenance and operation activities (per condition 6 of the 1938 Order), the payments by the Applicant to the State of Idaho (or their designated authority) for additional pumping costs related to higher water levels on the Kootenai Flats (per condition 3 of the 1938 Order), and public outreach and input activities.
  - k. Make recommendations, as it sees fit, on the need to review the Order.
5. The Board shall consist of a United States Section and a Canadian Section, comprising an equal number of members from each country. One member of the engineering services of the Government of the United States and one member of the engineering services of the Government of Canada shall be appointed to the Board. The Commission shall normally appoint each member for a three-year term. Appointments may be renewed for additional terms. Members shall act in their personal and professional capacity, and not as representatives of their nations, agencies, or institutions.
  6. The Commission shall appoint one member from each Section to be chair of that Section of the Board. The chairs of the two Sections shall be co-chairs of the Board and shall be responsible for maintaining proper liaison between the Board and the Commission, and among the Board members.
  7. Co-chairs shall ensure that all members of the Board are informed of all instructions, inquiries, and authorizations received from the Commission and also of activities undertaken by or on behalf of the Board, progress made, and any developments affecting such progress.
  8. Co-chairs may appoint secretaries of the Board who, under the general supervision of the co-chairs, shall carry out such duties as are assigned by the co-chairs or the board as a whole.
  9. The Board may establish such committees and working groups as may be required to fulfill its responsibilities in a knowledgeable and effective manner. The Commission shall be kept informed of the duties and composition of any committee or working group.
  10. Unless other arrangements are made, members of the Board, committees, or working groups shall make their own arrangements for reimbursement of necessary expenditures for travel or other related expenses.

11. The chairs shall keep the Commission currently informed of the Board's plans and progress and of any developments or cost impediments, actual or anticipated, which are likely to impede, delay, or otherwise affect the carrying out of the Board's responsibilities.
12. The Board shall inform the Commission in advance of plans for any meetings, or other means of involving the public in Board deliberations, and report to the Commission, in a timely manner, on these and any other presentations or representations made to the Board.
13. The Board shall conduct its public outreach activities in accordance with the Commission's public information policies and shall maintain files in accordance with the Commission policy on segregation of documents.
14. Reports shall be submitted in electronic format and suitable for public release, with copies provided to each of the Commission's section offices. Reports shall normally be available only to the Commission and to members of the Board and its committees until their release has been authorized by the Commission. Annual reports, however, shall be an exception: the Board shall produce annual reports in a format suitable for public release (ideally via the Board's page on the Commission's website) and shall make annual reports available to the public upon request normally one week after formal receipt by the Commission at its semi-annual meetings unless directed otherwise by the Commission. The Board shall provide minutes of Board meetings to the Commission within 45 days of the close of the meeting in keeping with Commission Policy Concerning Public Access to Minutes of Meetings. The minutes will subsequently be put on the Commission's website by the Board.
15. Prior to their release, the Board shall provide the text of media releases and other public information materials to the Secretaries of the Commission for review by the Commission's Public Information Officers.
16. If, in the opinion of the Board or of any member, there any instruction, directive, or authorization received from the Commission lacks clarity or precision, the matter shall be referred promptly to the Commission for appropriate action.
17. The Board shall operate by consensus. In the event of any disagreement among the members of the Board which they are unable to resolve, the Board shall refer the matter forthwith to the Commission for decision.
18. The Commission may amend existing instructions or issue new instructions to the Board at any time.

Signed this 24<sup>th</sup> day of October 2016.



Secretary  
Canadian Section



Secretary  
United States Section