

MINUTES

International Kootenay Lake Board of Control Annual Meeting

Creston Valley Seniors Association Hall
810 Canyon Street
Creston, BC

September 11, 2003
2:00 - 4:30 PM

Attendance

	Canada	United States
Chair	Kirk Johnstone (host)	Col. Debra Lewis
Members	Glen Davidson for James Mattison	Kathy Peter
Secretary	Daniel Millar	Larry Merkle
Guests	Commissioners Irene B. Brooks, Allen I. Olson, and Jack P. Blaney Murray Clamen (Secretary, Canadian Section, IJC), James Chandler (A/Secretary, US Section, IJC), Tom McAuley (IJC), Lisa Bourget (IJC), Marian Valentine (Corps), Michael Vechsler (IJC), Fabien Lengellé (IJC)	

Agenda

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

The agenda was tabled and adopted.
3. Business from previous meeting
- 3.1 The 1941 Patterson and Davenport 'lowering' calculation modernized Daniel Millar

Mr. Millar described a new spreadsheet to calculate the Kootenay Lake lowering (per section 2(6) of the 1938 Kootenay Order) based on the 1941 work of hydrologists Patterson and Davenport. He sought the Board's approval to use the spreadsheet as the "standard" by which the Board would gauge the Applicant's compliance with the Kootenay Order.

After discussion, the Board approved, in principle, the spreadsheet as the standard. They asked the secretary to draft a letter to the Applicant seeking substantive comments, if any, on the spreadsheet (by December) before final approval of the standard.

Action: Millar Draft a letter, for signature of the Canadian Chair, to the Applicant seeking any substantive concerns over using the spreadsheet as a standard.
- 3.2 Status of Proposal to Change Libby Project Operation (VARQ) Marian Valentine

Ms. Valentine briefly recapped the fundamentals of Libby VarQ operation. (This information was presented to the Board in more detail at last year's meeting.) She reminded members that VarQ operations would not violate the Commission's Kootenay Lake Order. VarQ is designed to hold winter runoff in Lake Kooconusa at higher than usual levels in order to be able to

supplement downstream flows for endangered fish species during the following spring and summer. This operation would only be used during low and medium flow years, reverting to normal operation for flood protection during high forecast runoff years. The in-progress Environmental Impact Statement for VarQ is now scheduled to be completed in 2005, with permanent implementation set for 2006. (Interim implementation of VarQ is currently in effect.) Col. Lewis noted that the appropriate venue for expressing Canadian concerns about VarQ is through the Environmental Impact Statement process or the Columbia River Treaty Entity.

4. New Business

4.1 Compliance with the Kootenay Lake and Duck Lake Orders in 2002-2003 Daniel Millar

Mr. Millar presented hydrographs of Kootenay Lake and Duck Lake for 2003. Kootenay Lake has been managed, this year, within the upper limits set by the Order. A minor deviation occurred in mid April. This was not considered an exceedence, rather a result of the 'official' designation of spring rise on April 25, which was past the point at which the Applicant was able to maintain a lower lake level against increasing inflow.

Duck Lake was managed for the early part of 2003 under a Supplementary Order that required spring drawdown as usual, but relaxed the drawdown requirement once the lake level dipped below 1744 feet. This occurred about the beginning of March. After the commencement of the spring rise, the Supplementary Order expired and the current 1950, 1956 and 1970 Orders were again in force. These require the Applicant to ensure the lake rises above 1745 feet after the freshet, calling for supplementary water from the Kootenay if local inflow is insufficient. This summer, the lake peaked at 1744.85, 0.15 feet shy of the Ordered level, but the opportunity to open the gates to Kootenay inflow was missed.

In light of the upcoming Duck Lake hearing, Col. Lewis suggested that the flood protection afforded by Libby Dam has reduced to near zero the potential of Duck Lake's outer dykes to cause Kootenay backwater into Idaho. This, therefore, appears to negate any international benefits and value of the Duck Lake Order and management regime.

With respect to the two removed pumps at the Duck Lake outlet, Col. Lewis reminded Board members that they may have a responsibility to inform the Applicant of their interpretation of the Orders. This could become a liability issue should flooding occur. The Board will need to return to this matter, pending the Commission's decision concerning its continued involvement in Duck Lake management.

5. Preparation for Public Meeting (Duck Lake Hearing)

5.1 Discussion

Kirk Johnstone,
Commissioner
Blaney

Board Members and Commissioners discussed the format, content and process of the evening's Duck Lake Hearing. Commissioner Olson described the hearing (and the Order review) as a legal decision based on facts. Commissioner Blaney stated that the Commission will make a decision on the future of the Orders after the comment period ends (in October).

6. Adjourn

Mr. Johnstone thanked participants and adjourned the meeting.