

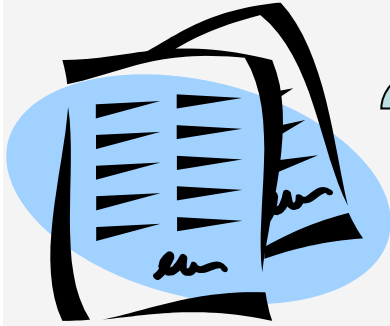
**International Boundary Waters Treaty,
International Joint Commission
and
The Kootenay Lake Order**

**Presented by: Gwyn Graham
RDCK/CBT Meeting
Nelson, BC
March 13, 2013**

Outline

- **The International Boundary Waters Treaty**
- **The International Joint Commission**
- **The 1938 IJC Kootenay Lake Order**
- **Kootenay Lake water level limits**

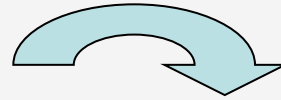
Connections



**1909 Boundary Waters Treaty
Canada & United States**



**International
Joint Commission**



Kootenay Lake Order, 1938



**International Kootenay Lake
Board of Control**

The Boundary Waters Treaty of 1909

- Signed in 1909 between U.S.A. and Great Britain (for Canada)
- Created the International Joint Commission (IJC)
- Equal and similar rights to the use of boundary waters (respecting national jurisdiction and rights)
- Order of precedence of use – domestic/sanitary, navigation, power generation/irrigation
- Structures/diversions not to affect water levels and flows on the other side of “**boundary waters**”
- Structures/diversions not to increase water levels across boundary in “**transboundary**” rivers
- Must not pollute water on either side to the injury of health or property on the other side

THE
INTERNATIONAL
JOINT
COMMISSION
AND
THE
BOUNDARY
WATERS
TREATY
OF 1909

Relevance of the Treaty to Kootenay Lake

IBWT Article IV



you can't back water up across the border without an "Order of Approval" from the Commission

The Parties (i.e. Canada & U.S.) agree that they will not permit any dams or other obstructions in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary, unless the construction and maintenance thereof is approved by the International Joint Commission

International Joint Commission

**Lana
Pollack
U.S., Chair**



**Joseph
Comuzzi
Canada, Chair**



Rich Moy, U.S.



Dereth Glance, U.S.



Lyall Knott, Canada

**Canadian Position
(Vacant)**

International Joint Commission

- **To prevent and resolve Canada/US water issues, the Commission...**
 - Receives applications and references (typically via Government)
 - Notifies public, undertakes studies and holds hearings to inform decision
 - Issues Orders and maintains jurisdiction (e.g. 1938 IJC Order for Kootenay Lake)
 - Issues recommendations (i.e. for reference cases)
- **The Commission appoints Boards of Control to monitor compliance with terms of IJC Orders**

Kootenay Lake Board of Control



**Col. Bruce
Estok,
Chair, U.S.**



**Bruno Tassone,
Chair, Canada**



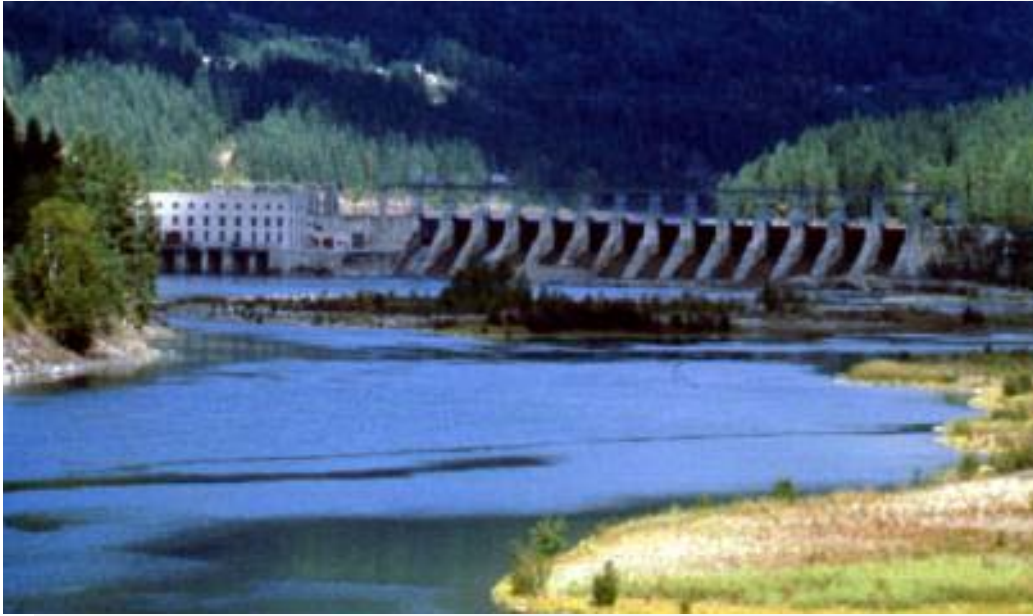
**Michael
Lewis,
U.S.**



**Glen
Davidson,
Canada**

Kootenay Lake Board of Control

- Duties of the Kootenay Lake Board of Control...
 - Monitor FortisBC's operation of Corra Linn Dam for compliance with terms of IJC Order (e.g. [maximum water levels](#) on Kootenay Lake)
 - Assure all other provisions of the 1938 IJC Order are followed
 - Hold annual meetings, report and provide general support to the IJC on issues relating to the 1938 IJC Order



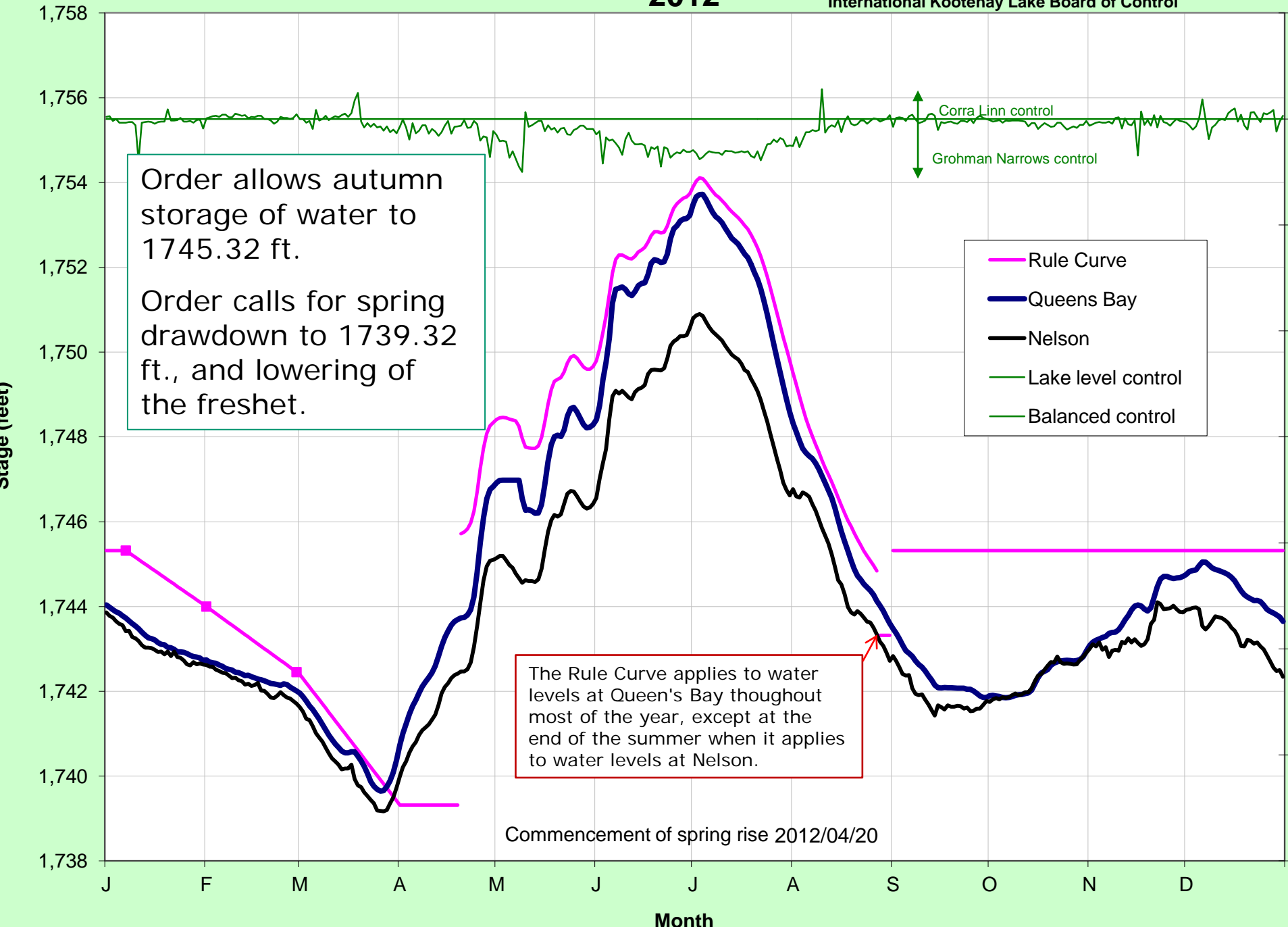
- Kootenay Lake Order relates to Corra Linn Dam (FortisBC).
- 1929: West Kootenay Power sought IJC approval for Corra Linn Dam & 6 ft of water storage in Kootenay Lake.
- 1938: IJC Order of Approval for Corra Linn Dam
 - Required excavation at Grohman Narrows

- The dam can affect Kootenay Lake levels and cause backwater effect on Kootenai River into Idaho.
 - 1938 Order required annual payment (\$3000) to Idaho Farmers to offset pumping costs

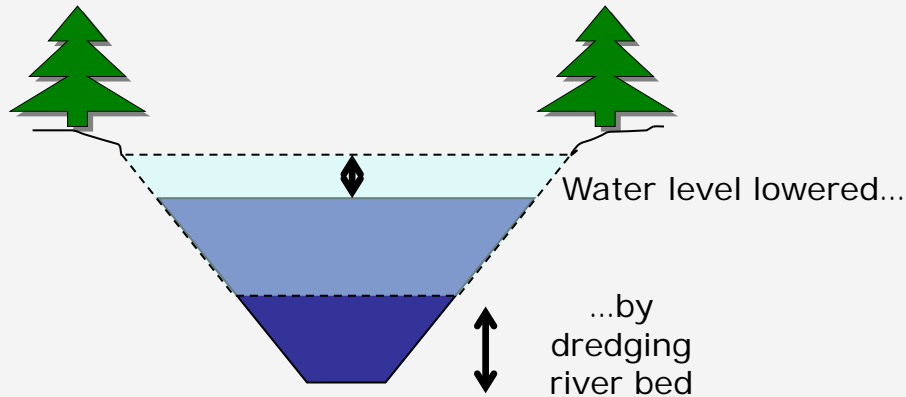


Kootenay Lake Hydrograph 2012

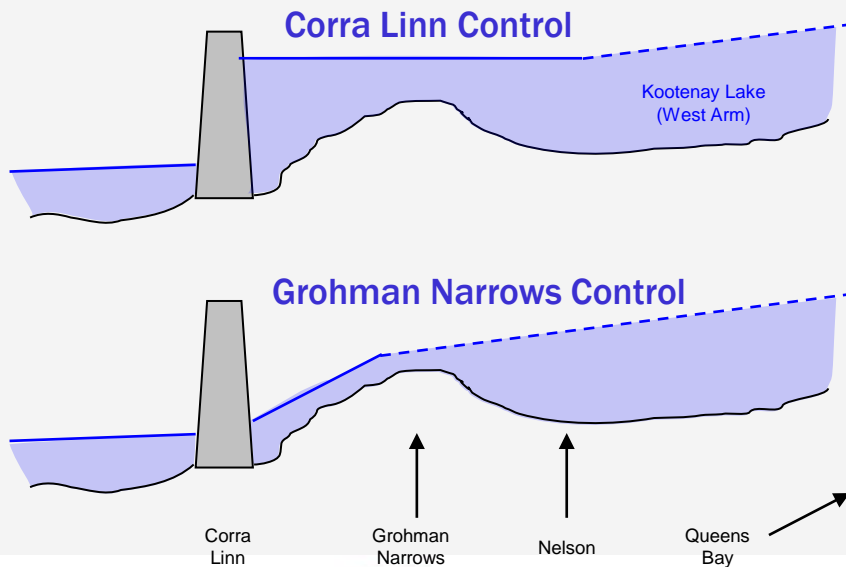
International Kootenay Lake Board of Control

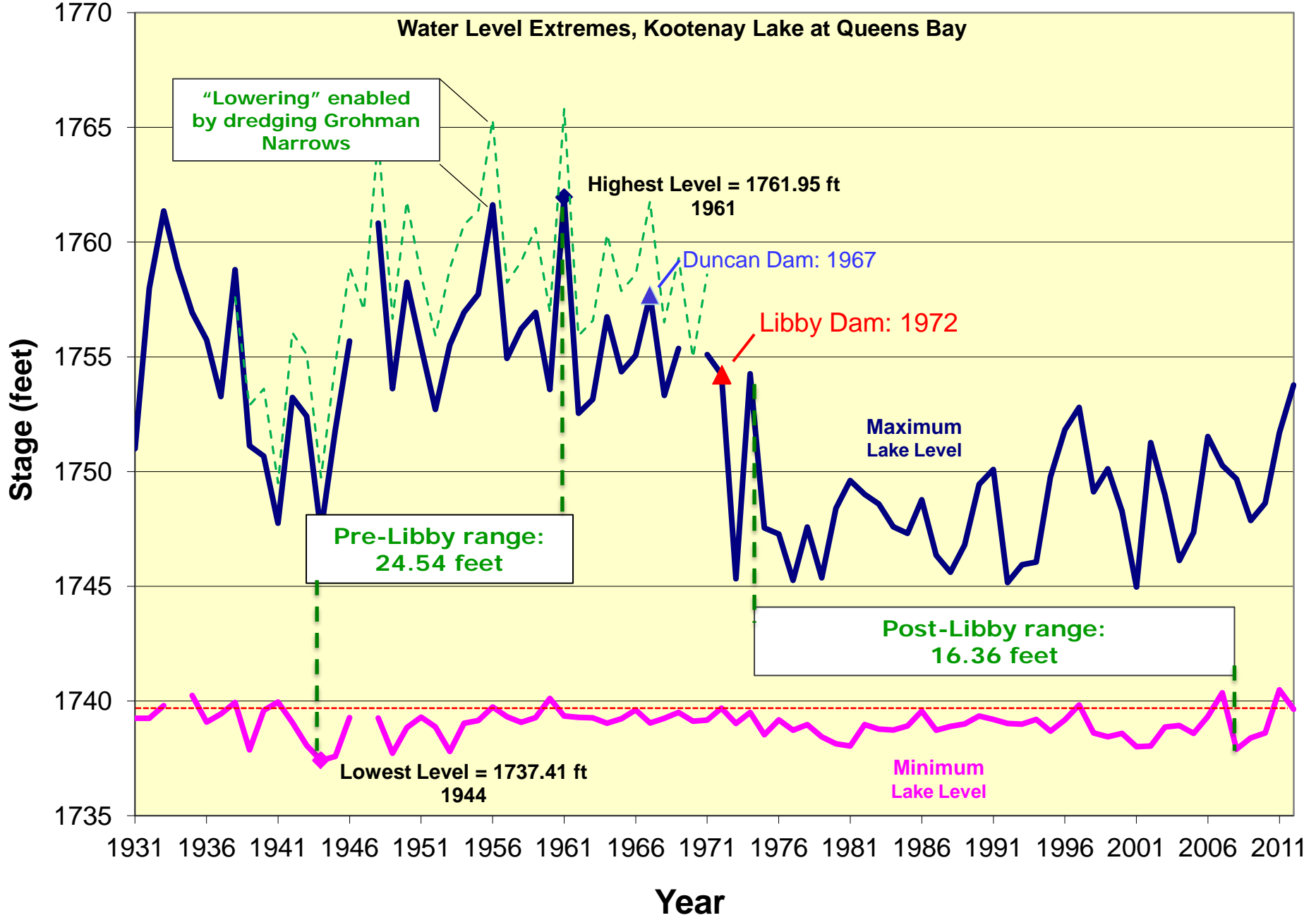


Why is Grohman Narrows Important?



- Lake level depends on balance of inflow vs. outflow
- Dredging Grohman Narrows (1940's) increased outflow capacity
- Corra Linn dam does not have exclusive control of lake outflow
- When the Corra Linn forebay is kept low, outflow is controlled by the natural channel constriction at Grohman Narrows





Thank-you!



Photo: Grohman Narrows