

Mayor Darrell Kerby called the special council meeting of October 1, 2007 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs, Mick Mellett, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, and City Engineer Mike Klaus. Also present were Boundary County Commissioners Dan Dinning and Walt Kirby, Jim Marx, John Livingston from the National Weather Service, Amy Reese, Lester Soule, and Jim Barton from the Corps of Engineers, Tina Wilson, Bob Graham, Jay Cohn, Connie Wells, and Dave Sims.

The purpose of the special meeting was to discuss the flood level of the Kootenai River.

John Livingston spoke to the group regarding the flood level. National Weather Service sets the flood levels across the nation. He said in 1996 the flood stage was lowered to 1764 feet and prior to that it was 1770 feet. In 2000 the request was made to lower the flood stage to 1761 and that was denied. The county and city requested the flood stage be lowered to 1762 in 2006. The decision has been postponed until this fall. The comment period will end on October 12, 2007. Mayor Kerby asked what the National Weather Service looks for at the flood level. He said it is the threat to life and safety due to the river rising, primarily over bank flooding. He said they respond to and act from input from local entities.

Bob Graham said the weather service is the agency responsible for setting the flood stage. They used to work with the Corps to set the flood levels. In 1996-97 we called the Corps and said we were suffering damage and zero damage was dropped from their terminology and they started using the term flood stage. The Corps was contacted when we would reach 1761 or 1762 and damage was occurring. The Corps said they could not offer assistance until the flood stage was reached. They would come give technical advice but not bodies. If the flood stage is lowered the question has been posed if the biological opinion will need to be re-evaluated. The duration of the flood stage being lowered presents a concern that the river will remain at a high level for a longer period. He encouraged the group to lower the flood stage because the county needs a lower flood stage. Dan Dinning requested the scientific duration of flood stage report. Bob said he is not at liberty to give the name in a public meeting. Mayor Kerby was not aware that this was not public.

John Langs asked Bob about the duration. Bob said if the flood stage was lowered to 1762 it does not mean that the majority of the water has to come out and keep the level at 1762. Bob said the target of the Corps has been the flood stage.

Mike Klaus said the two effects that give the most trouble are the sewer outfall and storm drainage. Approximately 1766.8 feet caused the sewer lagoon outfall to be shut down. At 1765 feet the storm drains backup in two different locations and make it difficult for drainage of storm water in the city. Dan Dinning asked about the 1764 level. Mike said problems start to occur at 1763. Stephen said there is not a black and white answer.

Jim Marx said the drainage of the river affects his area when the river rises because it causes puddles to form and people from the Habitat for Humanity house drive through his field because their road is under water. In July, 2002 there was enough seepage to get his hay bales wet and it was dry when the hay was cut. He showed pictures from August, 1996. There was about five or six acres that drowned in 2006 and in 2007 another crop drowned. He said the disappointing factor is that his fields were dry for a period prior to 1996. Jim had pictures of his field for a number of years. The late release affects the seepage. Jim said the problem is that the dam gets full and Kootenai Lake gets full and there is only about a five-foot drop between them in our county. He suggested planning at a flood stage that is two feet lower so there is a cushion. Jim understands that the dam has to be operated in a prudent manner and thinks the Corps is doing a good job and understands the guidelines are complex. He said when the water is coming down it is too late to do dike work.

John Langs asked Jim what the river levels were when he suffered damages. Jim said about 1759 to 1760 and then saturation starts and the water moves in. He has dates of photographs and John Livingston will correlate these dates to river levels.

Bob Graham said at 1758 water surfacing begins and this takes five days or so. He thinks at 1758 the river level starts surfacing in agricultural areas. This takes five days. If it does not rise more than 1758 then surfacing takes place in another three days. Jim said the alfalfa starts to yellow when this occurs.

Mick Mellett said lowering the flood level to 1762 means more water being held at the dam and asked if this wouldn't lengthen the duration of the high water. From the Canadian line downstream he asked if there is more water allowed to be dumped into the Columbia by agreement. Amy said Kootenay Lake is controlled by Cora-Linn Dam part of the year and this outflow of the dam controls the level of the lake. There is also a restriction called Roman Narrows that is a natural constriction and this causes the lake level to be higher during spring high water. The constriction at the outlet of the lake is up stream of the dam and cannot be controlled. Jim Barton said an international board tries to keep the lake at certain levels because of the agreement with the United States. The lake levels are not controlled during our high water season. Jim Barton said there is a Board of Control that has both U.S. and Canadian representatives that work on the Kootenay Lake levels and regulate how much water release can come out of Libby Dam, Cora-Linn Dam, and Duncan. He said the Libby Dam is also used for flood control for the entire Columbia River system. The system flood control is a combination of Canadian projects, U.S. projects, and federal dams and other dams that are in the system. The Corps of Engineers is responsible for the system but they work with other entities.

Amy said Libby Dam will protect human life, health, and safety and the Corps is committed to that. Jim Barton said the flood level of 1764 was evaluated through varq analysis and the Corps is confident that they can operate and manage risks at that level. He said that when the flood stage is lowered it restricts the water release in the corridor and he thinks the flood stage being lowered to 1762 would need more evaluation. In the model of 1762 the Libby Dam would still provide protection to life and safety.

Bob said good water management would tell you don't wait until you are in trouble to start releasing water. He cautioned to remember duration of the high levels and urged releasing water earlier. Les Soule said human life safety is the number one priority and the Corps will operate the project to their utmost ability to preserve this. There are also multiple purposes that are factors on how the Libby Dam is managed such as flood control at the local level and system wide flood control, navigation, and environmental. In 2006 if strict varq was followed and correct assumptions had been made at the right times they could have kept the level to 1762. This year if they had operated like they did in 2006 more water would have had to be spilled. The Corps thinks 1764 is a good compromise for the different competing factors that the Corps has to balance. Les said if the Weather Service changes the flood level to 1762 it does not mean that the Corps will accept it and change their target operation to that level. Bob said there are five major drainages between Libby Dam and Bonners Ferry and we have a lot of damage before the river hits flood stage particularly when we have major rain storms.

Amy said the Corps offers emergency management when requested by counties. There is technical advice to counties in distress upon request. When the Corps Emergency Management Team sees there is risk to life, health, and safety and there are repairs that are needed beyond the responsibility of the county then they can respond. Jim Barton said if there is a call when human life and safety are threatened the Corps will come in for assistance it is not necessarily tied to the flood stage.

Mayor Kerby asked the Corps to explain the difference between damages. Improved structures are public facilities or residential communities or commercial developments according to Amy by definition of the emergency management regulations. The Corps does not flood fight for crop damages according to Les Soule. They only flood fight for life, health, safety, structures, infrastructure, and dwellings. Amy said the response will be if there is damage or threat to human life, health, or safety regardless of the flood stage. She discussed the King County flood information pamphlet and how monitoring occurs. She thinks this may be helpful to the group and explained that they categorize their flooding at minor, moderate, and extreme. John Langs said whether the flood stage is at 1762 or 1764 the Corps will not assist unless they feel there is damage to life and property. Amy agreed. There is a response that can help the diking districts for protection of levies and she said the operating target is 1764 now.

John Livingston said there was a flood fight in 2006 when damage occurred below 1764 feet and the Corps agreed after the county requested assistance. Les said the team responded early in 2006 and when the water went down the Corps had to pull out. Then the team responded again when the water rose a bit later causing more damage. Bob Graham said the river only reached 1764 for six days in 2006.

Based on the Corps definition of threat to life and safety, they are able to offer assistance regardless of what the river level is according to Mayor Kerby. Les agreed. Mayor Kerby said in 1996 a road was lost and the Corps did not come in. Les said there are alerts that come up and then teams are sent out to the communities when local entities request the assistance. John Langs said a number on the flood level is not as important to

the Corps because they come out when there is a threat to life and safety. Bob said the flood stage is important because that dictates the operation of the Libby Dam. He said our area in trouble before the level reaches flood stage. Amy said 1770 was the level set for a 200-year event. She said no development would be encouraged in the river area because they protect to 1764 feet but they cannot promise protection until 1770. There is always a small chance that the Libby Dam would not be able to protect the valley up until 1770 feet.

Dan Dinning asked Amy if everything the Corps does management wise is determined by people. He gave the example of forecasts. Amy hesitantly agreed. Dan referred to the houses above town that caused problems and said there have been flowage easements purchased by the Corps in the 1980s on these properties giving the Corps the right to destroy the property. He asked if these properties could be used in the Weather Service's studies. John Livingston did not think it mattered.

John Langs asked about flood insurance. Darrell said FEMA establishes the flood plain and the change in flood stage by the National Weather Service will not affect the flood maps. Jim Barton said a key to keep in mind is that the dam and the levies should work together so the levies need to be maintained and not be allowed to degrade. He said the dam won't compensate for the weakness of the levies. Another consideration of the management of the dam is the fish issue and how the river flow affects the sturgeon and endangered species. A very lengthy analysis would need to be done.

Les said regarding the question whether there is a way to operate Libby Dam so as not to violate the treaties forgetting all the other constraints it is possible. Amy said the issue of life, health, and safety is what the Corps goes by. Dan said the damage that occurred is above 1766. Dan said the Weather Service has to look at homes that were receiving damage at 1764 or below. He has received a letter from USFWS stating that the biological opinion would need to be reopened if the flood level is lowered.

Mayor Kerby said at 1762 it was assumed that the Libby Dam would operate at 1762 unless there was a good reason not to. This is inherently providing a protection to life and safety if the stage were to be lowered. But today as we are sitting in this room he is still being confused. The Corps is not in favor of 1762 and he asked the Corps to tell the group why and what the bottom line would be. Les said if you throw out crop damage and we got to 1766.5 and he has not seen any documentation of dollar damages to roads, infrastructure, or utilities, but some houses got wet. There was flood fighting in the area with sandbagging. When the flood stage was lowered to 1764 there still were no damages. With the biological community the Corps thought the level could be lived with. The unusual events are still a problem because the levies have deteriorated in the past 15 years. The levy across the river will be fixed in the next couple weeks. He is concerned about the maintenance of the levies unless maintenance is considered. If life, health, safety was a concern at 1762 then the Corps would operate at this level and consultations would be opened up to see what would happen in regard to the treaty and the entire system much the same as when varq was established. There is no statutory mandate that would cause the Corps to change the level even if the National Weather

Service changes the level. He asked where the level will stop because there will still be seepage at 1762 and said someone will build a home at 1763 and thinks they will be safe. Another concern is that the wrong message is being sent that development is okay in the flood plain. The group discussed levy elevations.

Mick asked the elevations in the 1948 flood. Jim Marx said the gauge base was at 1743 and the river level was 35 feet above that. He said the river reached 37 feet above the base.

Mayor Kerby asked John from National Weather Service if the city is suffering damages at 1762. He said not in the city. Bob Graham said there is quite a large amount of acreage that farmers are losing every day. The Corps feels that life and safety of humans is protected at 1764. The Corps would not change their operations at this point even if the flood stage was lowered to 1762. Jim Barton said increased likelihood of filling and spilling and having higher levels downstream would be more difficult to manage at 1762 rather than 1764.

Mick asked if there is a limit to how low Libby Dam can be drained prior to spring runoff by treaty, etc. Amy said there is a volume forecast every winter throughout winter and this determines the draft target for the Libby Dam. Amy said there is a specific target that the dam can be drained to dictated by treaty and laws. Stephen asked about margins for unknowns. The margins for unknowns are less now under varq than what they were in the past according to Mayor Kerby.

Jim Barton said there are curves of damage at certain levels and the Portland area has not been updated for 40 years. He said between the constraints of fisheries, treaties, and flood stages we probably need more control rather than less. Stephen said there is a cost to the farmers and local people in our area and asked how that is weighed against the people of Portland. Mayor Kerby expressed frustration our community is living with because economic damages are not considered.

Dan Dinning said when the Libby Dam went in the farmers were told they did not have to worry about the levies because the dam would protect them. Dan said that is the perception the farmers have operated under because they were given this sense of security. In the years when the Corps operations caused the river to raise quickly this caused damage to the levies through erosion. Amy said letters have been sent out for the past ten years or so cautioning of the levy maintenance needed. Les said about 15 years ago through special legislation a lot of property owners were compensated for improving pump systems and drainage pipes and paying power for this. There was money left over so flowage easements were purchased by the Corps because erosion was actively occurring and the Corps paid out \$900,000 to a wide range of diking districts to do maintenance that they should have done to the levies. Some of the people did work on the levies because they realized the need.

Mayor Kerby asked the group if they could help the Council to know if they should support the flood level at 1762 or 1764. If they do nothing they will remain on record at supporting 1762.

Walt Kirby said the reason to ask for 1762 was to compensate for the unexpected that can occur by a couple feet such as rain events giving us more wiggle room. He said varq works and in 2006 the Corps strayed off from the varq and we got caught. Varq has been in effect since 2001 or 2002 according to Amy. She thinks following a strict varq would allow more wiggle room during flooding is a true statement.

Mayor Kerby asked if the response from the USFWS says the river level change by National Weather Service triggers the biological opinion review. Dan said it does not. Mayor Kerby said it is the level at which the Corps operates Libby Dam that is the key.

Mick asked if there was complaining from waters downstream in 2006. The problems were from operations at the Libby Dam according to Mayor Kerby.

John Livingston said the forecast model being used for this stretch of the river is being changed. There was monitoring of snow levels in Canada that was not being used. A gauge in Porthill is looking at the back water effects on the Kootenai River. The 20 year prediction is being coordinated better with the Corps of Engineers. John said prediction of the Columbia River system is extremely complex.

Mayor Kerby asked about snotel sites in Canada. John said the Weather Service was not plugged into the snow sites in Canada.

John Langs asked if the city wants 1762 if the weather service will grant it. John Livingston said the flood stage is intended to be lowered because of the request to lower it by Boundary County and the Bonners Ferry City Council. Now that more information has been brought forth the decision has been postponed.

Jim Marx said what he gave on seepage facts was a concern that seepage occurs before the river reaches flood stage and gave the example of homes near the old high school. He asked that error be made on the side of caution.

Mick asked what good for this region if the Weather Service lowers the flood stage to 1762 if the Corps does not operate at this level. John Livingston said he needs to operate on when damage occurs. The Weather Service definition of damage is life, health and property, much similar to the Corps.

Jim Barton said the Corps and BPA are working on responses to Boundary County regarding the flood stage. He said the letter from the Corps will be basically what was said this evening regarding varq and the 1764 level. He expressed concern about the flood stage being lowered to 1762 and the Corps not operating to that level causing confusion in the future for people not involved in tonight's conversation.

Dan said if the flood stage was lowered and the Corps did not operate to this there may be cause for legal action.

Bob Graham thanked the Mayor and Council for allowing the forum to voice their information.

Mayor Kerby said there is a council meeting tomorrow evening. He thanked the Weather Service and the Corps of Engineers for coming back to Bonners Ferry and helping the community understand the issues.

Dave Gray moved to adjourn the meeting at 9:10 p.m. Russ Docherty seconded the motion and it passed, all in favor.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk