

OKANAGAN WATER STEWARDSHIP COUNCIL

A Technical Advisory Body to the Okanagan Basin Water Board

MINUTES OF A MEETING HELD THURSDAY, OCTOBER 13, 2011, AT BEST WESTERN INN, 2402 HWY. 97N, KELOWNA, B.C.

COUNCIL MEMBERS:

Present

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| UBC Okanagan | Bernie Bauer, Chair |
| B.C. Ministry of Agriculture and Lands | Ted van der Gulik, Vice Chair |
| Agriculture & Agri-Food Canada, Research Branch | Denise Neilsen |
| Assoc. of Professional Engineers & Geoscientists of B.C. | Don Dobson |
| BC Fruit Growers Association | Christine Dendy (alternate) |
| City of Vernon | Brooke Marshall (alternate) |
| Environment Canada – Pacific & Yukon Region | Dan Millar |
| Interior Health Authority | Rob Birtles |
| Oceola Fish and Game Club | Lorne Davies |
| Okanagan Collaborative Conservation Program | Carolina Restrepo-Tamayo |
| Okanagan Mainline Real Estate Board | Howard Neufeld |
| Okanagan Nation Alliance | Elinor McGrath (alternate) |
| Regional District of Central Okanagan | Margaret Bakelaar |
| Regional District North Okanagan | Anna Page |
| Regional District of Okanagan-Similkameen | Evelyn Riechert |

Regrets

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| Agriculture & Agri-Food Canada, Agri-Enviro. Branch | Doug Edwards |
| BC Agriculture Council | Hans Buchler |
| BC Cattlemen's Association | Lee Hesketh |
| BC Ground Water Association | Remi Allard |
| B.C. Ministry of Environment, Fish and Wildlife Branch | Steve Matthews |
| B.C. Ministry of Forests, Lands and Natural Resource Ops. | Ken Cunningham |
| Canadian Water Resources Association | Brian Guy |
| City of Kelowna | Mark Watt |
| Kelowna Fish and Game Club | Doug Flintoft |
| Okanagan College | Douglas MacLeod |
| Osoyoos Lake Water Quality Society | Mark McKenney |
| Shuswap Okanagan Forestry Association | Kerry Rouck |
| South Okanagan Real Estate Board | Kevin Kole |
| Urban Development Institute | Robert Evans |
| Water Supply Association of BC | Bob Hrasko |

STAFF:

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| OBWB, Executive Director | Anna Warwick Sears |
| OBWB, Water Stewardship Director | Nelson Jatel |
| OBWB, Communications and Research Coordinator | Corinne Jackson |
| OBWB, Water Policy and Research Intern | Michelle Cook |

GUESTS:

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| Assoc. of Professional Engineers & Geoscientists of B.C. | Ehren Lee |
| B.C. Ministry of Forests, Lands & Natural Resource Ops. | Solvej Patschke |
| Black Mountain Irrigation District | Alf Kempf |
| District of Coldstream | Maria Besso |
| Ecoscape Consultants | Jason Schleppe |
| Environment Canada | Kendall Woo |
| Regional District North Okanagan | Renee Clark (alternate) |
| UBC Okanagan | John Janmaat |

1. CALL MEETING TO ORDER

Chair Bernie Bauer called the meeting to order at 1:04 p.m. and welcomed members and guests.

2. APPROVAL OF AGENDA

Moved by Ted van der Gulik

Seconded by Don Dobson

“That the agenda for the Oct 13, 2011 meeting of the Okanagan Water Stewardship Council be approved as amended.”

CARRIED

3. ADOPTION OF MINUTES

3.1 Minutes of a regular meeting of the Okanagan Water Stewardship Council held Sept. 8, 2011, at the Best Western Inn, Kelowna.

A small amendment was noted.

Moved by Lorne Davies

Seconded by Don Dobson

“That the minutes from the Sept. 8, 2011 meeting of the Okanagan Water Stewardship Council be approved as amended.”

CARRIED

4. BOARD REPORT

Dr. Anna Warwick Sears reported that the Board of Directors approved the 2012-13 budget at their last meeting.

The U.S. application to use herbicides to control milfoil on the American side of the border on Osoyoos Lake has been approved, added Dr. Warwick Sears.

Ms. Jackson entered the meeting at 1:09 p.m.

The DFO is holding a public consultation session in Penticton on Oct. 18 regarding the potential listing of the Rocky Mountain Ridged Mussel as endangered. Such a listing would affect milfoil control efforts on Okanagan lakes. Staff will be attending the meeting.

The board has also asked that a report be prepared for the International Joint Commission and its Osoyoos Lake Board of Control with recommendations that addresses the U.S. request for minimum flow requirements and protects the needs of the Okanagan.

Chair Bauer noted a discussion at the board meeting around the B.C. government's proposed land swap with Westbank First Nations pertaining to the Rose Valley reservoir. The board will be sending a letter to the province opposing the deal out of concern for the ongoing protection of the drinking water source.

5. ROUNDTABLE – MEMBER UPDATES

Council members and guests were invited to provide an update:

- Mr. Birtles: IHA is also recommending against the land swap around Rose Valley reservoir. Two new source protection plans for groundwater will be completed soon.
- Mr. Lee: Integrated water management and other water issues are being discussed this week at APEG meetings in Kelowna.
- Mr. Davies: Oceola Fish and Game are currently counting kokanee and noticing challenges with beavers.

- Ms. Clark: An intake assessment on Kal Lake is being forwarded to the RDNO board and then IHA for approval. Work on a drought management plan is continuing.
- Ms. Page: The RDNO's Regional Growth Strategy has been adopted.
- Mr. van der Gulik: Farmwest is looking at setting up its irrigation calculator in Quebec and across Canada. B.C. government is looking for a way to improve its climate data, and a pilot project began this week in the Okanagan.

Evelyn Riechert entered the meeting at 1:29 p.m.

- Mr. Jatel: Staff attended a water governance workshop in Vancouver which looked at how to get delegated governance at the watershed level. A First Nations chief spoke, bringing an important perspective to the table.
- Chair Bauer: Canadian Water Network and UBCO is putting on an Okanagan Watershed Workshop for grad students from across Canada next week. A year ago, the B.C. government began work on a water science strategy. In Phase 1 there was a symposium and report done. Phase 2 is now underway.
- Ms. Jackson: Staff have been busy organizing internal and public communications for the Water Board's AGM and Osoyoos Lake Water Science Forum (OLWSF). There was great coverage of the AGM and there is continued media interest in the OLWSF story. Work is continuing on a valley-wide "Make Water Work" water conservation ad campaign. The videos created this summer for OkWaterWise and the OBWB are on the Water Board's own YouTube channel (<http://www.youtube.com/user/OKBasinWaterBoard>), along with other OBWB-related videos and others we believe would be of interest.
- Ms. Cook: Staff are working on Source Protection, AgWater Reserve, and Boundary Water Treaty research.
- Ms. Riechert: RDOS and Town of Osoyoos are working on an agricultural.
- Ms. Besso: With 80% of Coldstream water going to agriculture and 20% to residential use, we are looking to balance drinking water standards with water use. At the recent Union of B.C. Municipalities conference we met with the Agriculture minister and discussed infrastructure funding to separate drinking water and ag water.
- Ms. Marshall: City of Vernon is working with the Okanagan Collaborative Conservation Program (OCCP) on some projects.
- Ms. Restrepo Tamayo: The OCCP has received funding to help integrate some of our projects. We are looking for local government support to develop an Aquatic Habitat Index for Kal Lake and Wood Lake.
- Ms. Bakelaar: RDCO is looking to have universal metering for rural areas of the Central Okanagan. A draft source water plan for Northwest and Fintry is being reviewed and staff are working on intake protection on various systems. The regional district is helping organize a well water workshop with Black Mountain Irrigation District and others. Funding for a groundwater monitoring well has been approved for Ellison (one for Joe Rich was already approved). Two new OCPs are being developed and we are looking to add source water protection to them.

Ms. McGrath entered the meeting at 1:45 p.m.

- Mr. Woo: The Okanagan is a priority area for Environment Canada and projects like the buoys that have been set up continue to be a priority.
- Mr. Millar: Shankers Bend dam is off the U.S.'s drawing board - good news for the Similkameen. Other dams may be considered however. Environment Canada has launched a water quality monitoring buoy on Osoyoos Lake. For more info. visit: <http://aquatic.pyr.ec.gc.ca/osoyooswaterqualitybuoy>. The Columbia River Treaty can be terminated in 2024 if either side wants out, but they must give 10 years notice. Okanagan Nation Alliance (ONA) is interested because of the impact on fish. The Osoyoos Lake Board of Control met after the OLWSF and was very pleased with the turnout with 60% being local citizens. The commissioners asked for a report by April with a summary of the studies. By the middle of the summer the

commission will be going into hearings. There will be one in Canada and one in the U.S. It is important that if anyone has anything to say on the renewal of the Osoyoos Lake Operating Orders that they make it heard.

- Ms. Patschke: Ministry of FLNRO staff did a headwater tour looking at issues in the Okanagan watershed. Potential and actual landslides near intakes and concern regarding sediment in Mission Creek are on our radar. In response to questions, Ms. Clark added that protection planning on Duteau Creek is underway. RDNO is working with recreation and forestry, looking to put signage up in the area and other strategies to address water issues.
- Dr. Neilsen: Agriculture & Agri-Food Canada attended part of the Association of Professional Engineers and Geoscientists meeting, currently in Kelowna, looking at climate and water demand modeling. AFC and UBCO is working together on greenhouse gas emissions associated with water conservation measures. I will be going to Australia to look at agriculture under drought conditions.
- Ms. McGrath: ONA is currently doing aquatic monitoring and stock assessment, and is working toward the next phase of the Okanagan River Restoration Initiative. Staff are also looking to help move water users onto groundwater and off the creek, to help protect water for fish.

6. GUEST PRESENTATION – SHUSWAP FORESHORE MANAGEMENT

Jason Schleppe – Ecoscape Environmental Consultants

Mr. Schleppe presented a report on foreshore management to the council, noting it is a three step process. It includes Foreshore Inventory Mapping, development of an Aquatic Habitat Index, and then Shoreline Management Guidelines.

Okanagan and Skaha Lakes, and others in the Okanagan, have completed step 1 and some have also done step 2. There is interest now in starting to move toward step 3.

Local governments, the province and DFO are documenting non-compliance. At the same time, local residents are calling for better protection of their watersheds. Non-compliance is impacting kokanee and creating other issues as well.

Shoreline Management Guidelines look at what's there and at risk, what activity is occurring, and allows agencies to address. In the case of the Shuswap Lake process, it was a coordinated, multi-agency and stakeholder approach. And now, when someone wants to build a dock there is access to maps, and guidelines to follow.

OBWB is in a good position to spearhead this effort in the Okanagan, noted Mr. Schleppe. It fits within the mandate of the OBWB, the Water Board is well-recognized and respected in the Okanagan, and it has the ability to collect revenue to operate, so has the funding mechanism in place.

Dr. Warwick Sears said that at the board meeting it was noted that some municipalities have used zoning to address foreshore issues and that some directors have stated that it is important for the OBWB to stay out of the development planning process. Chair Bauer added that the board has suggested that shoreline management is within local government and provincial jurisdiction. As such, he added, the OBWB's role would be as a facilitator, bringing the parties together to create a unified vision and push for collaborative planning. The management of details, however, would be left to local government.

In response to a question, Mr. Schleppe added that enforcement will be necessary to ensure foreshore guidelines are followed. Ms. Marshall noted that enforcement is difficult to ensure when there have been funding and staff cutbacks.

Mr. Kempf entered the meeting at 1:50 p.m.

Ms. Marshall added that guidelines exist already but there needs to community buy-in and

acceptance of the documents, and political will to bring in bylaws that protect these areas.

Chair Bauer asked council members to e-mail Mr. Jatel or Dr. Warwick Sears with additional suggestions that will assist them create a framework to address foreshore management.

7. NEW AND UNFINISHED BUSINESS

7.1 Discussion: International Joint Commission – Implications of minimum flows to U.S.

Mr. Dobson spoke on the history of the Boundary Waters Treaty (BWT) and the Operating Orders on Osoyoos Lake for the purpose of ensuring water to the U.S. over Zosel Dam, on the American side of the border.

Ms. Dendy entered the meeting at 3:21 p.m.

The Province of B.C. endorsed an application in Dec. 9, 1982. A cooperation plan was also adopted, but was not considered part of the application. The cooperation plan does not guarantee trans-boundary flow, but outlines procedures for dam control and lake levels. Washington and B.C. agreed that the cooperation plan did not create an enforceable obligation.

In 1982, the International Joint Commission (IJC) concluded that if flows were included it could jeopardize the maintenance of Osoyoos Lake levels designed to protect interests generally.

Article 2 of BWT 1909 reserves the right to exclusive jurisdiction and control over the use and diversion of all waters on each party's side of the border which in natural channels would flow across the boundary or into boundary waters.

In response to questions, Mr. Millar noted that First-in-Time First-in-Right would apply here. Mr. Dobson added that there are American water licences, but that they are most likely later priority licences and so they would be told to stop any diversion.

In later years, the IJC concluded that there was an urgent need to replace Zosel Dam and that the new dam would facilitate control of water levels on the lake. And, the province signed a Memorandum of Understanding to control flow to assist with fish, recognizing an interest in salmon returning through the dam into the Okanagan, added Mr. Dobson.

So flows are mentioned, he added, but not minimum flows during periods of low flow or drought.

Guaranteeing minimum flow, as some in the U.S. have recommended, is a concern since we don't know what to expect with climate change and drought, added Dobson. Also, it is unclear what the implications are of being legally required to release water across the boundary and not having the water available, he noted.

Dr. Warwick Sears commented that it is important that we are clear on what the issues are on both sides of the border: both sides want to ensure a healthy fish population and to protect ourselves from flooding and drought.

Mr. Dobson added that there needs to be recognition that there is a natural hydrological cycle and there are going to be low flow years where fish don't make it up the system.

Mr. Millar added that the U.S. could potentially fix an irrigation canal near Nighthawk, on the American side of the border, that could address this issue for them.

Dr. Warwick Sears said that these discussions will help inform a report to the IJC, commissioned by the OBWB, and a draft should be to the board by Nov. 1.

Chair Bauer added that the message should be to not switch to flow until we know the ramifications.

Mr. Millar concluded, saying the IJC will release a draft order before a new order is signed and it is important for people to speak up if they have something to say.

7.2 Update on Okanagan Irrigation Management Tool

Mr. van der Gulik explained to council about the Okanagan Irrigation Management (OKIM) on-line tool for farmers, allowing them to see how much water they are using and compare to their neighbours. It's an important tool, he added, given that agriculture accounts for about 80% of all water use in the Okanagan.

Thanks to grant funding, the tool was being used by Glenmore-Ellison Irrigation District and District of Summerland, but the price of the tool has gone up, grant funding is coming to an end and they can no longer afford to use it. It has also been suggested that staff may also not have the time to use it. The tool is being piloted at Regional District of North Okanagan, but there is concern that they may also pull out, added Mr. van der Gulik.

After some discussion it was suggested that council ask the OBWB board to send a letter to RDNO, GEID and Summerland in support of the program.

There was strong support for the Water Stewardship Council to ask the Board of Directors to write a letter to the Regional District of North Okanagan, Glenmore-Ellison Irrigation District and District of Summerland, supporting their ongoing use of OKIM, and that the letter be copied to RDNO Utilities Manager Al Cotsworth. Mr. Van der Gulik will provide a presentation at next council meeting and suggest actions and next steps.

Ms. Clark and Ms. Page exited the meeting at 4:21 p.m.

8. COMMITTEE REPORTS & DISCUSSION

8.1 Agriculture Water Reserve Committee

Mr. Jatel reported that a draft AgWater Reserve discussion paper has been presented to council for feedback.

Mr. van der Gulik noted that there is another AgWater committee being led by the BC Agriculture Council. The two groups are working together to make sure that the visions complement each other. B.C.'s Living Water Smart plan suggested such a reserve and now we're looking to develop recommendations that would ensure water for agriculture. The ag reserve would also take into account other needs like forestry, etc., he added.

8.2 Source Water Protection Committee

Mr. Jatel noted that the committee is working to develop a source protection workshop for the end of January. It will include discussion on: how to move from source protection assessments to action. Other projects include the development of Lake Okanagan Shoreline Management guidelines, economic valuation work, and other topics related to SWP.

Dr. Warwick Sears exited the meeting at 4:36 p.m.

8.3 Okanagan Groundwater

Mr. Jatel reported that groundwater monitoring wells are moving ahead in West Kelowna, the Hulcar aquifer and two more in the RDCO.

8.4 Hydrometric Monitoring

Mr. Jatel noted a meeting at Urban Systems, looking at where monitors can be placed.

8.5 BC Water Act Modernization

Mr. Neufeld and Ms. Riechert left at 4:38 p.m.

Mr. Jatel reported that the province is working on draft WAM legislation. It is hoped that the draft will be available in spring 2012.

9. NEXT MEETING

The next meeting of the Okanagan Water Stewardship Council will be held November 10, 2011 at the Best Western Inn, Kelowna.

10. ADJOURNMENT

The meeting was adjourned at 4:40 p.m.

Moved by Dan Millar

“That there being no further business, the meeting of the Okanagan Water Stewardship Council of Oct. 13, 2011 be adjourned.”

CARRIED

CERTIFIED CORRECT:

Chair

Executive Director