

# The Columbia River and The Columbia River Treaty

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Water Resources Program

Universities Consortium on Columbia River Governance

River Restoration Northwest -- 2017

# Columbia River Basin



# 1948 Flood

## Storage: Run-of-the-River



*Vanport residents—lucky to escape with their lives—were put up in barracks and condemned trailers on Swan Island and other sites all over town.*

*From Oregon Historical Society/Oregonian*



# Storage



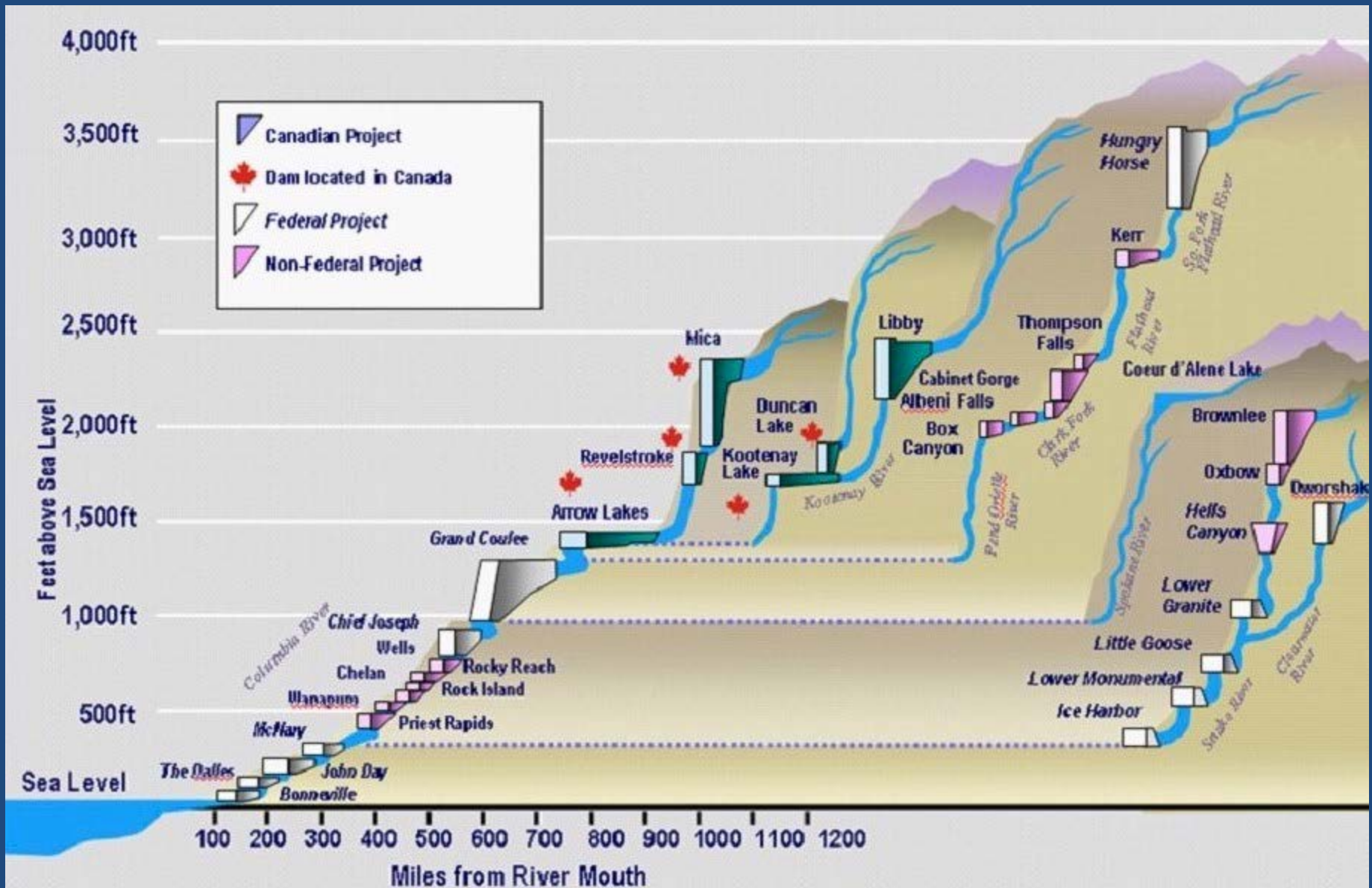
# Columbia River Treaty: Flood Control and Hydropower

- 3 Dams in Canada
- 60 years of flood control: \$65 million
- Canadian Entitlement
  - 30 year contracts: \$254 million
  - Northwest-California Intertie
- Entities
  - U.S.:
    - The Bonneville Power Administration (BPA) Administrator
    - U.S. Army Corps of Engineers (Corps) Division Engineer, Northwestern Division
  - Canada:
    - British Columbia Hydro and Power Authority (BC Hydro)

# Major Dams of the Columbia River Basin







# Why is the CRT Under Review?

- Assured flood control expires September 16, 2024
- The earliest date of unilateral termination was September 16, 2024 with a minimum of 10 years notice required
- Why is the scope of review so broad?

# Universities Consortium on Columbia River Governance

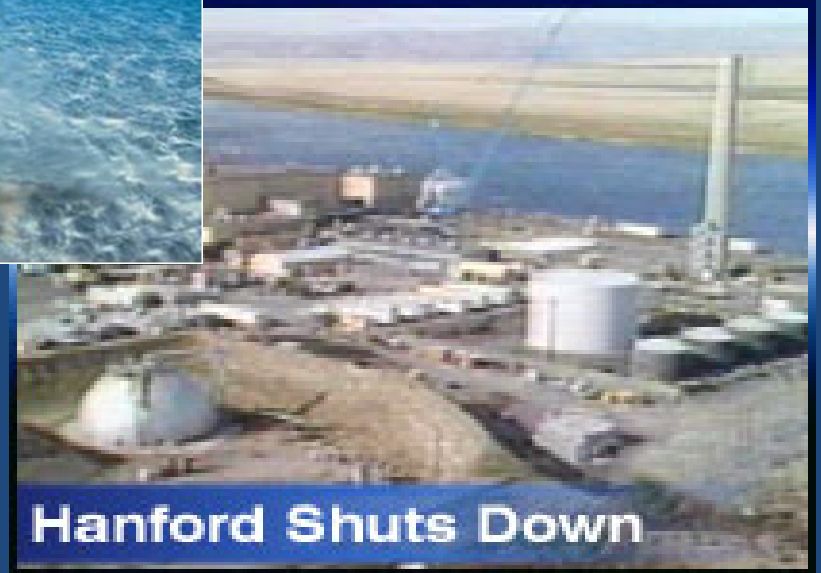
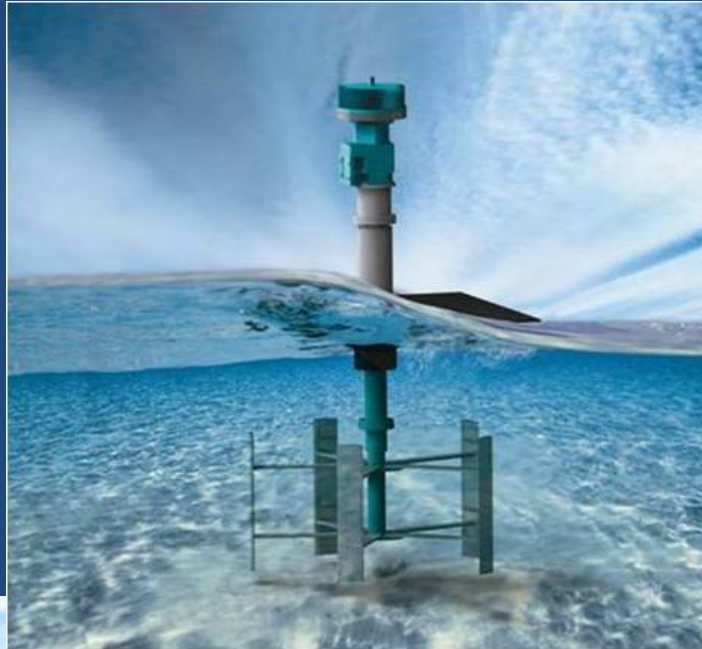


- **Changes since 1964**
- Cross-border dialogue
- Research
- Website: <http://www.columbiarivergovernance.org/>

# Changes Since 1964

- Energy Markets
- Climate
- Regional capacity and expectation of participation
- Indigenous empowerment
- Values / ecosystem health

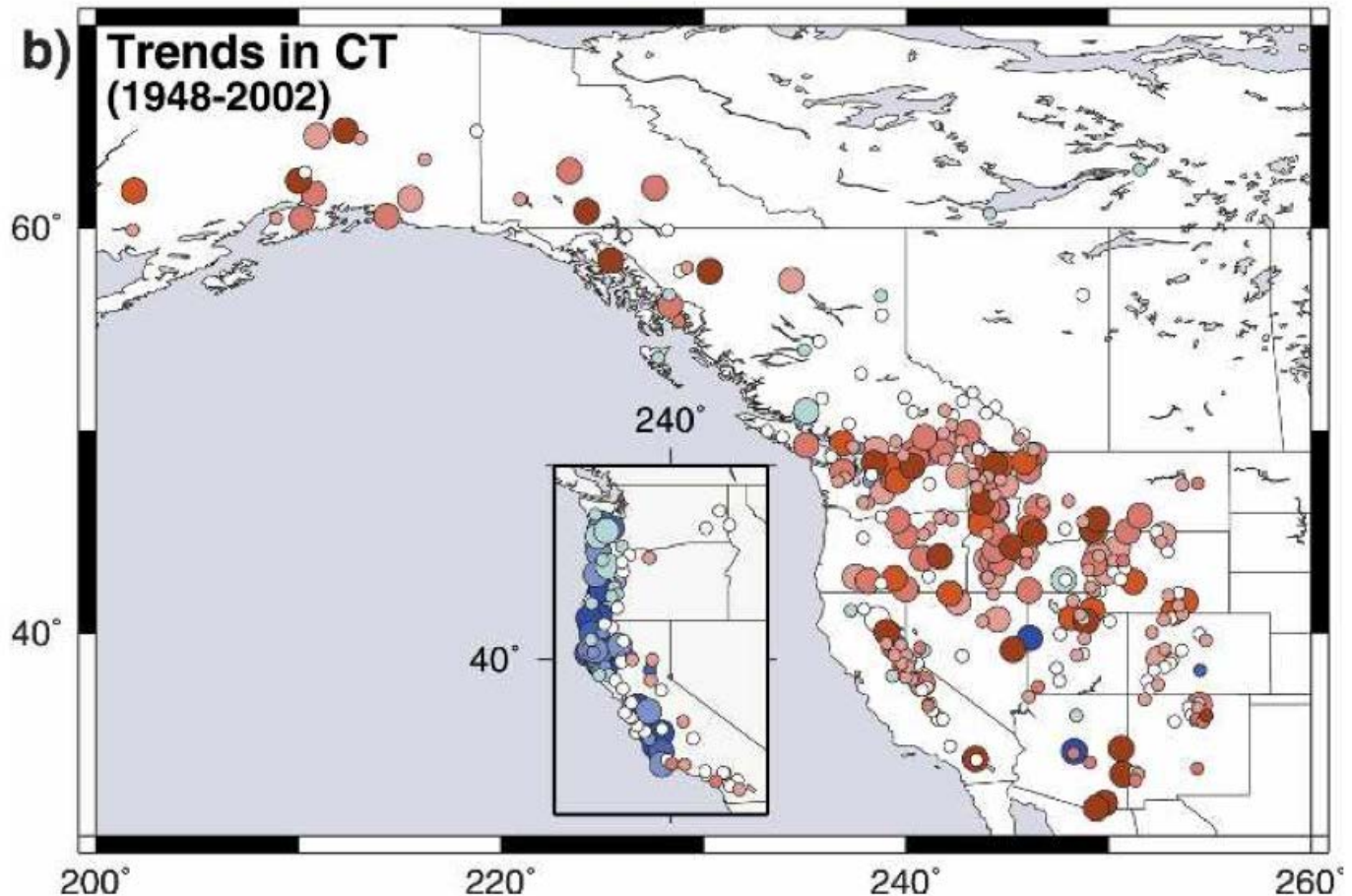
# Energy Demand



**Hanford Shuts Down**

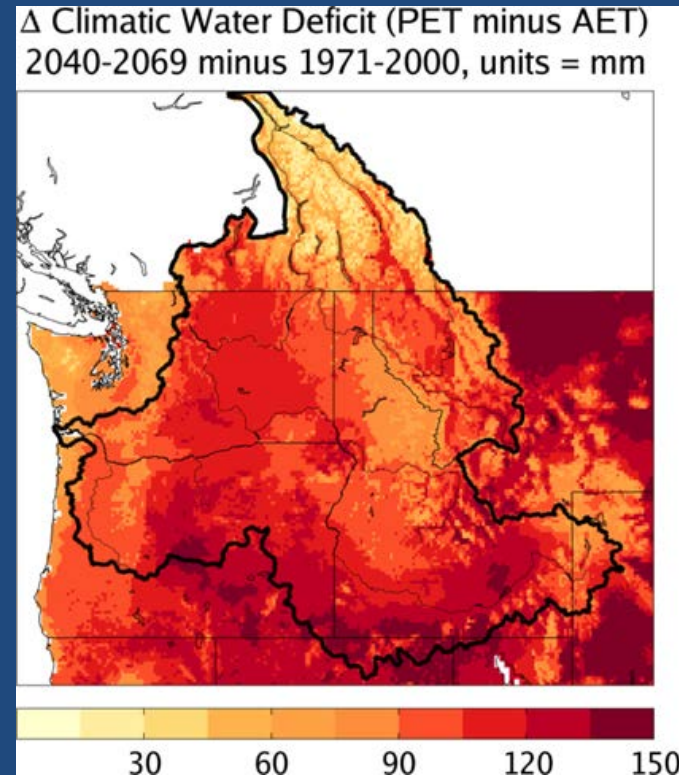
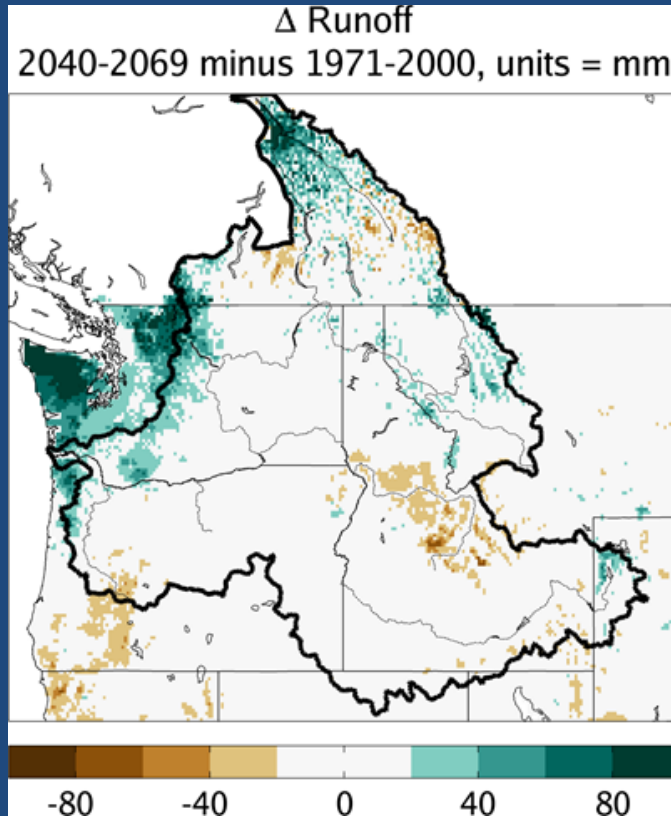
# 50<sup>th</sup> Percentile Flow Timing

- > 20d earlier
- 15-20d earlier
- 10-15d earlier
- 5-10d earlier
- < 5d
- 5-10d later
- 10-15d later
- 15-20d later
- > 20d later



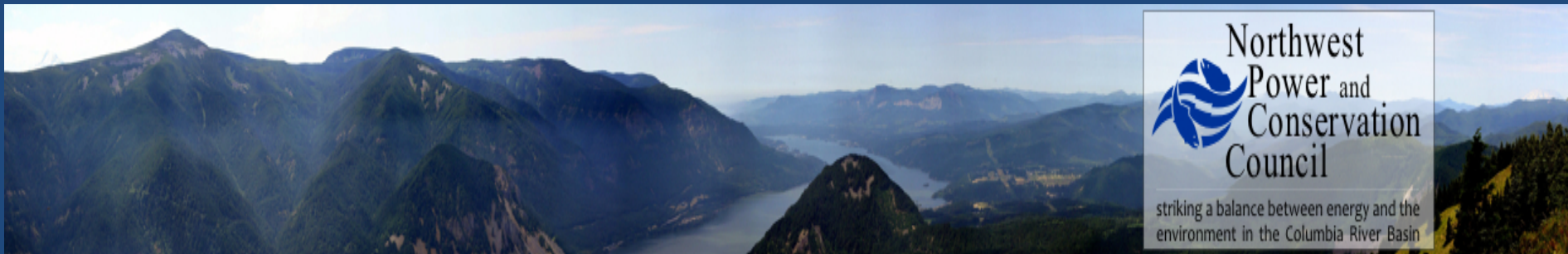
Stewart, I T, D R Cayan, and M D Dettinger. "Changes Toward Earlier Streamflow Timing Across Western North America." *Journal of Climate* 18, no. 8 (2005): 1136-1155.

# Predicted Water Deficit with Climate Change



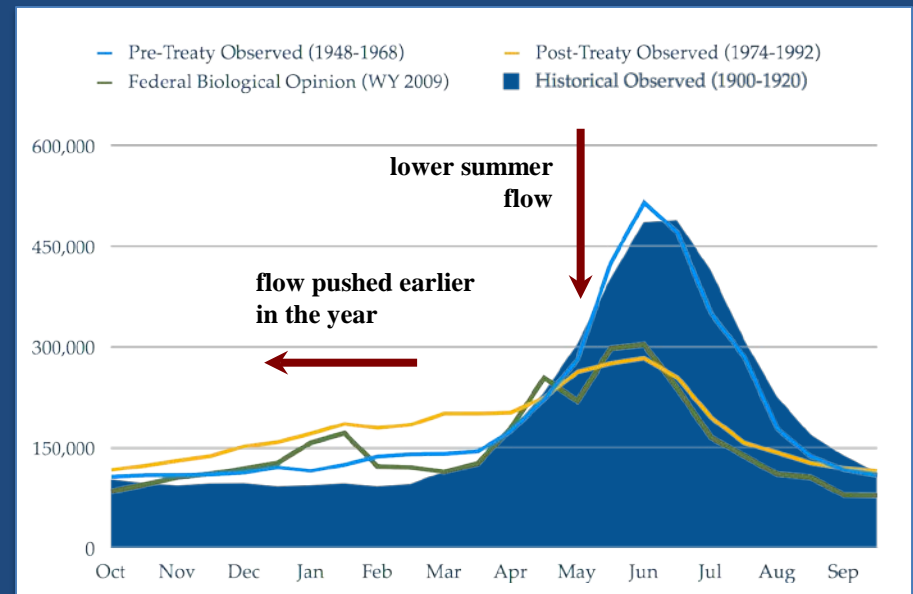
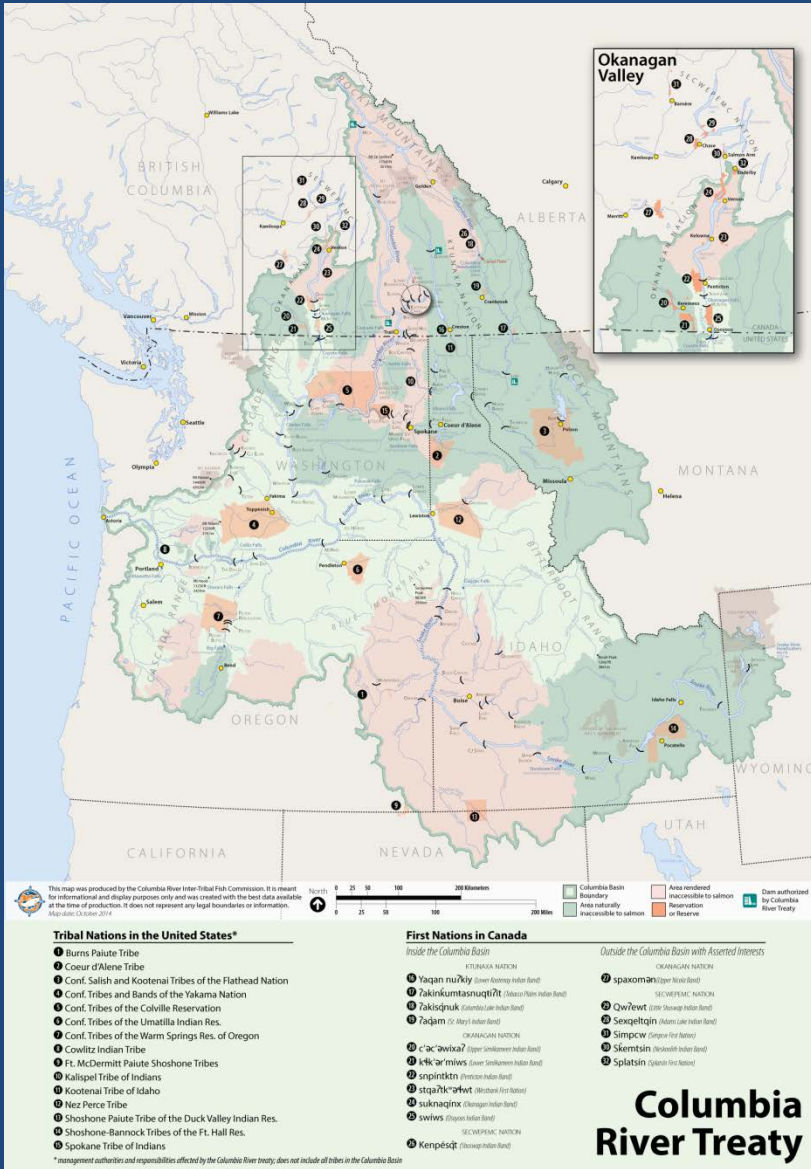
Source of figures:  
Dr. John Abatzoglou

# Regional Empowerment/Capacity









## IMPACTS OF DAMS [CRITFC]

# U.S. Regional Review

- Flood Control
  - Storage use?
  - 450,000 cfs risk
- Ecosystem Function
  - 3d Purpose
  - Augment spring and summer flows
- Hydropower:
  - Reduce CE
- Implementation
  - Revisit composition of the U.S. Entity

- Process

Sovereign Review Team

<http://www.crt2014-2024review.gov/Default.aspx>

December, 2013:

Recommendation to  
Department of State

# British Columbia Recommendation

- Flood Control
  - Storage use?
  - 600,000 cfs risk
- Ecosystem Function
  - balance
  - Salmon return: domestic concern
- Hydropower
  - Increase CE
- Implementation
  - Increase transparency and public input

## Process

Provincial Review  
Committee

[www.gov.bc.ca/columbiarivertreaty](http://www.gov.bc.ca/columbiarivertreaty)

March 2014: BC  
Decision

transmitted to the  
Cabinet

# U.S. [SHARED BENEFITS] BC

- Flood Control
    - Storage use?
    - 450,000 cfs risk
  - Ecosystem Function
    - 3d Purpose
    - Augment spring and summer flows
  - Hydropower:
    - Rebalance benefit sharing - down
  - Implementation
    - Revisit composition of the U.S. Entity
- Flood Control
    - Storage use?
    - 600,000 cfs risk
  - Ecosystem Function
    - Balance ecosystem with hydropower
    - Salmon are a domestic concern, but reintroduction considered
  - Hydropower
    - Benefit sharing = hydropower +
  - Implementation
    - Increase transparency and public input

# Issues

- Are there ways to narrow the gap between the US Regional Recommendation and the BC Position?
  - Level of flood control
  - Calculation of Canadian Entitlement
  - Ecosystem function

# Flood Level: 450 vs. 600 Kcfs

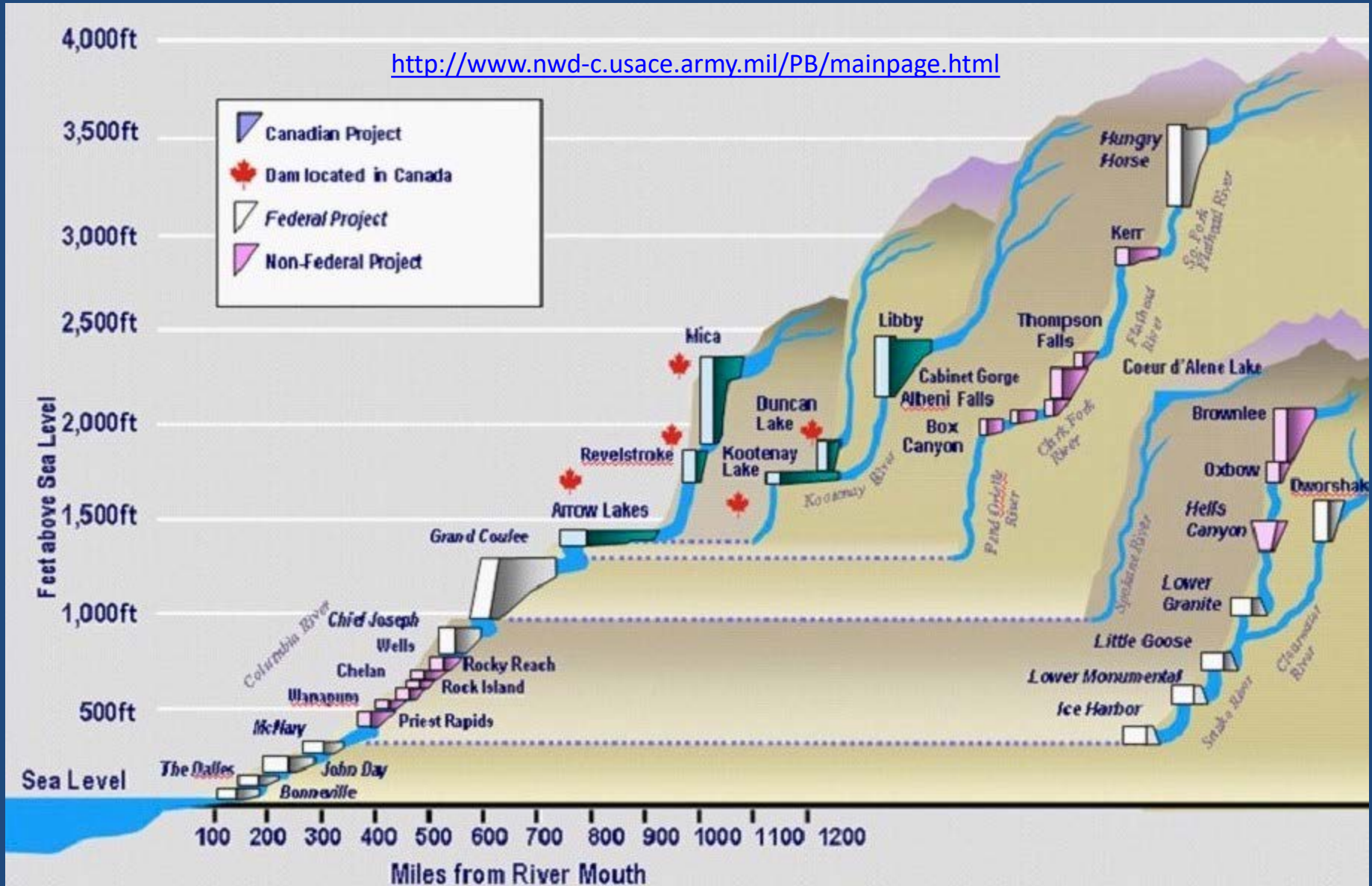
- The flow has exceeded 450 Kcfs on more than **86 days since 1974**
- No study has been done to determine if local and non-structural measures can manage flood risk at flows between 450 and 600 Kcfs



1 Million cfs 1948  
Vanport Oregon

# Calculation of the Canadian Entitlement

<http://www.nwd-c.usace.army.mil/PB/mainpage.html>



<http://www.nwd-c.usace.army.mil/PB/mainpage.html>

# Ecosystem Function: the problem of scale

## Great Lakes Compact and Agreement of 2005

- Sub-National Agreement
- Binding interstate compact
- Regional body
  - Governors and Premiers
  - Consultation with Tribes/First Nations on water withdrawals
- Compact Council
  - Governors
- Advisory Committee
  - Tribes and First Nations
  - Local government



2014 Study by N. Bankes and B. Cosens for  
the Munk School of Global Affairs  
Available at <http://powi.ca/wp-content/uploads/2014/10/Protocols-for-Adaptive-Water-Governance-Final-October-14-2014.pdf>

# Next Steps

## Regional Congressional Delegation

- Request the commencement of treaty negotiations
  - 2014
  - 2015



## Department of State

- Letter to delegation indicating intent to proceed with negotiations along the lines of the Regional Recommendation
- Appointment of Brian Doherty as lead negotiator
- Rumored to have completed Circular 175 Process

# Treaties in U.S. Domestic Law

- Negotiation
  - Sole authority lies with the Executive
    - Practice of delegation
      - Department of State
      - Relevant Federal Agencies
      - Congressional Observers
      - Nothing precludes delegation to basin interests



2012 Study by N. Banks and B. Cosens for the Munk School of Global Affairs

Available at: <http://munkschool.utoronto.ca/research/the-future-of-the-columbia-river-treaty/>

# Treaties in U.S. Domestic Law

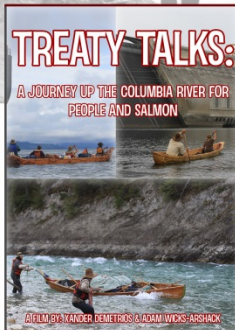
- **Ratification by the President following:**
  - **Advice and Consent of the Senate**
    - U.S. Constitution Article II, Section 2
  - **Congressional delegation (Congressional-Executive Agreement)**
    - Trade agreements
    - Agreements requiring appropriation
  - **Unilaterally (Executive Agreement)**
    - Areas of constitutional authority
    - Under an existing treaty
    - With Congressional acquiescence

# Treaty Talks:

<https://vimeo.com/109265843>

## ONE RIVER ETHICS MATTER

PLEASE JOIN US FOR AN EVENING OF FILM, MUSIC AND TRANS-BOUNDARY CONVERSATION ABOUT A FUNCTIONING COLUMBIA RIVER ECOSYSTEM



**TREATY TALKS:** A DOCUMENTARY ABOUT THE MOVEMENT TO RESTORE FISH PASSAGE ABOVE THE GRAND COULEE DAM. THE FILM FOLLOWS A CANOE EXPEDITION UP THE COLUMBIA RIVER FROM SEA TO SOURCE IN HONOR OF THE COLUMBIA RIVER.

### AGENDA:

- 7:00 PM** DRUM SONG & OPENING PRAYER
- 7:15** COLUMBIA RIVER TREATY UPDATE
- 7:30** SALMON REINTRODUCTION
- 7:45** FILM SCREENING
- 8:30** Q & A CONVERSATION

### LOCATIONS & DATES:

- 22/6/15 GEM THEATER - GRAND FORKS, BC 357 MARKET AVE
- 23/6/15 ROD & GUN CLUB - NELSON, BC 801 RAILWAY ST.
- 24/6/15 BONNINGTON ARTS CENTRE - NAKUSP, BC
- 25/6/15 UNITED CHURCH - REVELSTOKE, BC 314 MCKENZIE AVE

BROUGHT TO YOU BY:



beloved & ATRIA PRESENTS:

## MIGHTY CURRENTS

HONORING THE COLUMBIA RIVER

AN EVENING OF FILM, MUSIC & CONVERSATION ON THE ROOFTOP

SUNDAY, JUNE 28



### GATHER IN CELEBRATION OF OUR WATERS.

LIVE MUSIC, STORY TELLERS, SPEAKERS, A CRACKLING FIRE, SMOKED SALMON, & WINE. FOLLOWED BY FOUR COLUMBIA WATERSHED SHORT FILMS, WITH FILM-MAKERS IN ATTENDANCE.

### MUSIC 7-8PM

PEPPER PROUD, SONGS FOR THE WATER

### DOCUMENTARIES 8-10PM

**THE LOST FISH:** PACIFIC LAMPREY  
**MOMENTA:** BIG COAL AND OUR RIVERS  
**CAVIAR SCHEMES:** STURGEON POACHERS ON THE COLUMBIA

### FEATURING...

**TREATY TALKS:** PADDLING UP THE COLUMBIA RIVER FOR SALMON AND PEOPLE

### SUNDAY JUNE 28 • AT ECOTRUST

JEAN VOLLUM NATURAL CAPITAL CENTER  
721 NW 9TH AVENUE, PORTLAND, OR 97209  
ADVANCE \$15  
LINK TO TICKETS

ATRIA

beloved



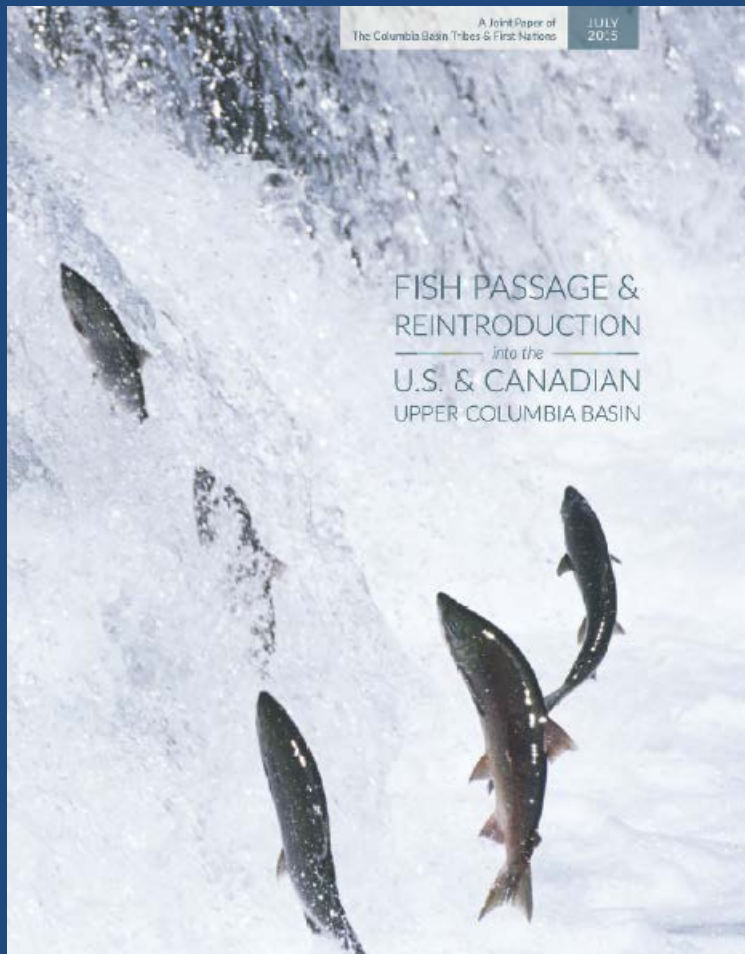
confluence



ecotrust

ARTWORK BY APRIL WHITE • APRILWHITE.COM

# Reconnecting the Columbia



- U.S. Columbia Basin Tribes: January 9, 2015,
  - available at [http://www.ucut.org/Fish\\_Passage\\_and\\_Reintroduction\\_into\\_the\\_US\\_And\\_Canadian\\_Upper\\_Columbia\\_River3.pdf](http://www.ucut.org/Fish_Passage_and_Reintroduction_into_the_US_And_Canadian_Upper_Columbia_River3.pdf)
- NWPCC: October 2014
  - [https://www.nwcouncil.org/fw/program/2014-12/program/partthree\\_vision\\_foundation\\_goals\\_objectives\\_strategies/iv\\_strategies/c\\_other\\_strategies/3\\_anadromous\\_fish\\_mitigation\\_blocked\\_areas](https://www.nwcouncil.org/fw/program/2014-12/program/partthree_vision_foundation_goals_objectives_strategies/iv_strategies/c_other_strategies/3_anadromous_fish_mitigation_blocked_areas)

# Reconciliation

- Reconciliation: the notion that neither restoration to “natural” conditions nor sustainability of current systems are options. We need new solutions that facilitate adaptation and build ecosystem function and resilience while recognizing humans as part of the system.
- How do we re-engineer the river to reconcile people and salmon?
- How do we manage the river to reconcile those who live on and depend on it?



*To come to terms with the Columbia, we need to come to terms with it as a whole, as an organic machine, not only as a reflection of our own social divisions but as the site in which these divisions play out. If the conversation is not about fish and justice, about electricity and ways of life, about production and nature, about beauty as well as efficiency, and about how these things are inseparable in our own tangled lives, then we have not come to terms with our history on this river.*

Richard White