The Columbia River and
The Columbia River Treaty

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River Restoration Northwest -- 2017
Columbia River Basin
1948 Flood
Storage: Run-of-the-River
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
Treaty Dams

- W.A.C. Bennett: BC Premier
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
50th Percentile Flow Timing

Predicted Water Deficit with Climate Change

Source of figures:
Dr. John Abatzoglou
Regional Empowerment/Capacity
Indigenous Empowerment/Capacity

Columbia Basin Tribes in the U.S.

CONSTITUTION ACT, 1982
PART II
RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA
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
  - 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.
Calculation of the Canadian Entitlement

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
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. Bankes 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 RIM, MUSIC AND TRANS-BOUNDARY CONVERSATION ABOUT A FUNCTIONING COLUMBIA RIVER ECOSYSTEM

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  327 MARKET AVE
23/6/15  ROD & GUN CLUB – NELSON, BC  10 RAILWAY ST.
24/6/15  BONNINGTON ARTS CENTRE – NAKUSP, BC
25/6/15  UNITED CHURCH – REVELSTOKE, BC  3N MCKENZIE AVE

BROUGHT TO YOU BY:

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 8:00PM
THE LOST FISH, DAVIDE LAMO DEY
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
200 VICTORIA NATURAL CAPITAL CENTER
721 NW 9TH AVENUE, PORTLAND, OR 97209
ADVANCE 25
LINK TO TICKETS

ATRIA  beloved  ocotrust  U.S. ECOLOGY
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

- 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

Source: UCUT
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