Columbia River Treaty Review

Paul Lumley, CRITFC Executive Director
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Columbia River Treaty

- Treaty came into force in 1964, no end date.
- Canada builds three dams, U.S. gets to build Libby.
- Two goals: optimize hydropower and coordinate flood control.
- With a 10 year notice, Treaty may be terminated starting in 2024 (Sept 2014).
- No mention of tribes, fish or wildlife
First Foods

Berries

Water

Salmon

Roots

Game
“…the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them: together with the privilege of hunting, gathering roots and berries....”

—1855 Treaty with the Yakima
Salmon Decline

Returning Columbia River salmon (chinook, steelhead, sockeye, coho)

Estimated Average 17,000,000

1,754,334
Four Tribes’ Ceded Lands

Combined, the land comprising this ceded area:

- 66,591 square miles
- More than 25% of the entire Columbia Basin
- 55% of the rivers and streams that are still accessible to salmon
- Includes almost all of the salmon habitat above Bonneville Dam
Columbia Basin Tribes

15 tribes with management authorities and responsibilities affected by the Columbia River Treaty
Celilo Falls Tribal Fishery

On the Columbia River near The Dalles, Oregon
(inundated by The Dalles Dam in 1957)
Kettle Falls Tribal Fishery

On the Columbia River in Washington State
(inundated by Grand Coulee Dam in 1940)
Impacts from Dramatic Reservoir Level Changes

Spokane River in Washington State, impacts from Grand Coulee Reservoir Drawdown (*cultural resources, dust*)
Fish and Wildlife Impacts

On the Upper Snake River in Idaho \textit{(salmon blockage in 1901)}

Loss of salmon impacted wildlife and other ecosystem functions
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U.S. Commitments

- Payment for **flood control** benefits ~ $65 million total payment through 2024.

- Canada is entitled to one-half the downstream power benefit produced by U.S. projects due to the increment of Canadian storage. Replacement value of **Canadian Entitlement** is about $300 million annually.

- **After 2024**, US reservoirs must be used for flood control before we can ask Canada for assistance.
Treaty Operations

- CANADIAN GOVERNMENT
  - Ministry of Foreign Affairs & Trade
  - Ministry of Natural Resources
  - BRITISH COLUMBIA GOVERNMENT

- UNITED STATES GOVERNMENT
  - Department of State
  - Department of Army
  - Department of Energy

- CANADIAN ENTITY for Art.XIV2j

- CANADIAN ENTITY

- PERMANENT ENGINEERING BOARD
  - CANADIAN
  - UNITED STATES

- ENGINEERING COMMITTEE
  - CANADIAN
  - UNITED STATES

- OPERATING COMMITTEE
  - CANADIAN
  - UNITED STATES

- HYDROMETEOROLOGICAL COMMITTEE
  - CANADIAN
  - UNITED STATES

- UNITED STATES ENTITY

- UNITED STATES COORDINATOR & SECRETARY

- Established by TREATY

- *

- Established by ENTITIES

- **

- Established by PEB

- **

- ***
Tribal Caucus Products

- Common Views Document: Feb 2010
- Tribal Leaders meet with US Entity: July 2010

At this meeting, the Sovereign Participation Process was established to develop a Regional Consensus
Transboundary Coordination
Columbia Basin Tribes and First Nations

- Tribal and First Nations leaders toured upper and middle basin to see issues first hand.

- Tribes and First Nations agree that:
  
  Ecosystem based functions need to be part of river management under the Treaty

  Salmon should be reintroduced throughout the basin over time

  Alternative management frameworks should be explored in future meetings
<table>
<thead>
<tr>
<th>Tribal Issues with Treaty</th>
<th>Col. Basin Tribes’ Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>No <strong>tribal consultation</strong> during negotiation nor <strong>tribal representation</strong> during implementation</td>
<td><strong>Governance</strong> – a seat at the table during Treaty Review, negotiations for a new Treaty followed by implementation</td>
</tr>
<tr>
<td>Adopted hydropower and flood control as management goals, <strong>disregarding fisheries</strong> and other ecosystem elements</td>
<td>Incorporate <strong>ecosystem-based function</strong> into Treaty Review and modernized Treaty</td>
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<td>Flood control plan moved a permanent flood upriver and <strong>eliminated annual flooding</strong> and freshets</td>
<td><strong>Restore spring freshet</strong> while balancing tribal needs in upper basin reservoirs</td>
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<td>Grand Coulee and Treaty projects built without <strong>passage</strong> and eliminated salmon spawning habitat</td>
<td>Restore salmon runs and protect <strong>salmon passage</strong> at all historic locations</td>
</tr>
<tr>
<td>Benefits of Treaty system <strong>not shared</strong> with tribes</td>
<td><strong>Share</strong> in benefits of coordinated systems</td>
</tr>
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Ecosystem-based management approach

- Restore and preserve tribal natural and cultural resources
- Restore spring freshets:
  - Helps to restore estuary
  - Helps move fish
- Restore anadromous fish passage to all historic locations.
- Minimize draw downs at upper reservoirs

An ecosystem-based assessment was incorporated into the Treaty Review, similar to hydropower and flood control assessments
River Level at The Dalles

- Pre-Treaty Observed (1948-1968)
- Post-Treaty Observed (1974-1992)
- Federal Biological Opinion (WY 2009)
- Historical Observed (1900-1920)

**lower summer flow**

**flow pushed earlier in the year**
Tribal Concerns on Flood Risk Management

- USACE is reluctant to change or increase flows that may result in increased flood risks.

- What is Flood Risk Management?
  
  \[ \text{Risk} = \text{Cost} \times \text{Probability} \quad \text{Risk} \neq \text{Probability} \]

- Why is this important?

  Salmon survival improves with better spring freshet. Current flood control approach creates havoc in upriver reservoirs, perhaps for little flood risk benefit. Updated flood risk management approaches can increase salmon survival, reduce havoc in upriver reservoirs, and improve estuary health.
Sovereign Participation Process
U.S. (Entity & Federal Agencies), Tribes, States

- Government-to-government level:
  Decision makers

- Sovereign Review Team:
  Guides technical analysis, resolves process issues

- Sovereign Technical Team:
  Modeling and technical analysis

- Stakeholder Involvement Throughout
Sovereign Participation Process
(Progress to Date)

- Iteration #1: June 2012, base line information
- Iteration #2: June 2013, broad range of scenarios
- Iteration #3: Aug 2013, narrower range of options
- Working draft regional recommendation was developed based upon modeling analysis and stakeholder input
Columbia River Treaty - 2014/2024 Review

- 1st draft recommendation June 27
- 2nd draft recommendation expected Sep 20
  (deadline for comments is Oct 25)
- Final recommendation to the U.S. Department of State by December 2013
Regional Consensus is Forming

- Sovereigns and Stakeholders agree: *Treaty should be modified*

**Potential Recommendation:**

- Add ecosystem-based functions
- Reduce Canadian Entitlement
- Address flood control management post-2024
Regional Consensus is Needed

- The U.S. Department of State will decide on whether to request negotiations with Canada.
- Broad regional consensus is needed (details are important).
- Power group objects to adding ecosystem.
- Without broad regional consensus, US Dept of State may not pursue modernized Treaty.
Why Modernize the Treaty?

- The NW depends on healthy Columbia River
- Hydropower contributes to energy independence
- Public safety
- Economic well-being

A Modernize Treaty is in the Best Interest of the Region and the United States
Steps Forward

- Sovereign Participation Process, or some variant, will likely continue beyond 2013

- Treaty options: continue, terminate or modify (enhance/modernize)

- Senate ratification needed for a new Treaty and potentially for major changes to the Treaty

**Regional Consensus is Key to Success**