



# COLUMBIA RIVER TREATY REVIEW

## *B.C. Decision*

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## PREAMBLE

The Columbia River Treaty (Treaty) is known throughout the world as one of the most successful models of a transboundary water treaty. Other countries see the agreement as a benchmark on cooperation to create and share benefits.

The construction of the Treaty dams and reservoirs caused much hardship to communities and First Nations that were directly affected, and ongoing reservoir operations continue to cause negative environmental, social and economic impacts. However, the Treaty dams have been a success in preventing damaging floods to Kootenay communities and residents, in creating renewable energy that powers a large portion of the province, in providing jobs and economic spinoffs to nearby communities, and by contributing to the province's general revenue that supports services to all British Columbians. In addition, Columbia Basin Trust was created in 1995 to enhance the social, economic and environmental wellbeing of Basin residents in recognition of the impacts of the Treaty in the Columbia Basin.

In November 2011, the Province initiated a Columbia River Treaty Review (Treaty Review) process to evaluate future decision options, including possible continuation, amendment or termination of the Treaty. Over the past two years the Treaty Review Team has heard from a wide variety of residents and stakeholders regarding the future of the Treaty.

The Treaty Review Team has been consulting on a government-to-government basis with potentially affected First Nations with the objective to avoid further impacts to aboriginal rights and title. Impacts to aboriginal territories, cultures and practices from the construction and operation of the Treaty dams and reservoirs remain a serious and ongoing concern to

First Nations. The Treaty Review Team has also explored with First Nations other interests and how they may be addressed in the spirit of the New Relationship and the Transformative Change Accord.

Over the past two years there have been 23 community events in the Columbia Basin, and a public consultation report has been released that reflects the views of residents and feedback collected during four rounds of information sessions and workshops. Feedback was also received by mail and online through the Treaty Review website. The last round of public consultation on the Province's draft recommendation and public consultation report closed on November 20, 2013, and informed the final recommendation.

The Treaty Review Team also worked with elected officials in the Columbia Basin through the Columbia River Treaty Local Governments' Committee (Committee). The Committee's primary role is to advocate for local residents and to make recommendations on the future of the Treaty to the Review Team and Ministers. The Committee provided an extensive list of Canadian Columbia Basin Dam and Reservoir Related Issues to the Treaty Review Team. The Province's response to these issues can be found at: <http://blog.gov.bc.ca/columbiarivertreaty> The Province and BC Hydro have committed to exploring and working with Basin communities on a number of these issues.

The Treaty Review Team heard a wide range of diverse perspectives on matters relating to the Treaty and on those issues that can be addressed within existing programs and initiatives. Some of these issues include:

- Residents are big proponents of ongoing enhancement to environmental values within the Basin through further investments in compensation and mitigation programs and by adjustments to hydro system operations to balance ecosystem needs with those of flood protection and power generation.
- There is an increasing awareness of climate change and a desire for planning and adaptation to be incorporated in future Treaty management decisions.
- Residents appreciate the effectiveness of the Treaty dams in minimizing flood damage and want to see close communication and coordination continue.
- Economic development has been an ongoing concern from the standpoint of lost opportunities as a result of the creation of reservoirs. An economic stimulus has

been created for those who participate in ongoing hydro operations, construction and maintenance. The inequity between impact and benefit from the Treaty across communities has been highlighted.

- Public participation in decisions that affect them has changed greatly since the 1960s. Today, residents and stakeholders want to receive timely and pertinent information that they can understand, and have input and influence in management of resources, such as Treaty operations including Libby Dam.
- Basin residents want recognition of the full range of benefits to the United States today and in the future, and to ensure that the Province receives its fair share as it relates to the benefits of coordinated operations from Canadian reservoirs.

The following B.C. decision and principles reflect the outcomes of the British Columbia Treaty Review process. Any changes to the Treaty that may be pursued by the Province will be guided by these principles.

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## **B.C. DECISION:**

**Continue the Columbia River Treaty and seek improvements within the existing Treaty framework.**

## **PRINCIPLES**

- 1. The primary objective of the Treaty should be to maximize benefits to both countries through the coordination of planning and operations.*
- 2. The ongoing impacts to the Canadian Columbia Basin to meet Treaty requirements should be acknowledged and compensated for. The level of benefits to the Province, which is currently solely in the form of the Canadian Entitlement, does not account for the full range of benefits in the United States (U.S.) or the impacts in British Columbia.*
- 3. All downstream U.S. benefits, such as flood risk management, hydropower, ecosystems, water supply (including municipal, industrial and agricultural uses), recreation, navigation and any other relevant benefits, including associated risk reduction arising*

*from coordinated operations compared to alternatives available to each country, should be accounted for and such value created should be shared equitably between the two countries.*

- 4.** *Treaty provisions post-2024 should be fixed for a sufficient duration to provide planning and operational certainty while allowing for adaptive mechanisms to address significant changes to key components and interests.*
- 5.** *Implementation of post-2024 flood control obligations will be consistent with the Treaty requirements that a Called Upon Flood Control request can only be made when forecasts of potential floods indicate there is a reasonable risk of exceeding 600,000 cubic feet per second at The Dalles, Oregon, the U.S. must make effective use of all related storage in the U.S. before seeking additional help from British Columbia, and the U.S. must pay Canada compensation due as result of a Called Upon operation.*
- 6.** *To supplement Called Upon Flood Control, a coordinated flood risk management approach should maximize the benefits and mitigate impacts and risks to multiple U.S. interests as compared to Called Upon Flood Control regime post 2024 which includes effective use of U.S. reservoirs.*
- 7.** *Ecosystem values are currently, and will continue to be, an important consideration in the planning and implementation of the Treaty.*
- 8.** *The Province will explore ecosystem based improvements recognizing that there are a number of available mechanisms inside and outside the Treaty.*
- 9.** *Current and future operating conditions of Canadian Columbia Basin dams and reservoirs are subject to provincial and federal licensing including Water Use Plans, where they exist, and consideration of aboriginal rights under the Canadian constitution.*
- 10.** *The Province will seek improved coordination on Libby Dam and Kootenai Reservoir operations.*
- 11.** *Salmon migration into the Columbia River in Canada was eliminated by the Grand Coulee Dam in 1938 (26 years prior to Treaty ratification), and is currently not a Treaty issue. British Columbia's perspective is that the management of anadromous salmon populations is the responsibility of the Government of Canada and that restoration of fish passage and habitat, if feasible, should be the responsibility of each country regarding their respective infrastructure.*
- 12.** *Adaptation to climate change should be incorporated in Treaty planning and implementation.*
- 13.** *The Canadian Entities (Province of British Columbia and BC Hydro) will continue to consult with First Nations on a government-to-government basis and engage with Basin communities throughout any negotiation process.*
- 14.** *Canadian Columbia Basin issues not related to the Treaty will be addressed through other government programs and initiatives.*

