

Can the Current CRT Address Residents' Concerns?

What flexibility exists in the current CRT to address residents' concerns?

The Columbia River Treaty (CRT) provides Canada with some unilateral flexibility to operate CRT storage as a composite. While the CRT flood control obligations are reservoir-specific, the power provisions of the CRT are not. For example, BC Hydro often “swaps” CRT-required releases from Arrow Lakes Reservoir to/from Duncan Reservoir in order to accomplish fisheries, recreation, power or other objectives. In addition, BC Hydro regularly uses this flexibility to release more or less water from Mica Dam than is required under the CRT, essentially transferring water between Kinbasket and Arrow Lakes Reservoirs.

The CRT principles specify that the annual Assured Operating Plans must be developed for maximum power and flood control in both countries. However, the Canadian and U.S. entities have agreed that, by mutual consent, the Detailed Operating Plan and Supplementary Operating Agreements may consider other beneficial reservoir operations. Therefore, if Canada can't accomplish its objectives using its unilateral flexibility, then it may still be possible for Canada to find mutually-beneficial agreements with the U.S.

An example of this is the Non-Power Uses Agreement—an agreement signed every year since 1995—under which Canada is able to reshape Arrow Lakes Reservoir discharges from January through June for Canadian fish spawning, and

the U.S. is able to store water in Arrow Lakes Reservoir from January to March and then release it from May to July for salmon flow augmentation purposes.

CRT principles likely do not afford unlimited flexibility to accomplish all Canadian water management goals, but additional flexibility will be explored during the CRT 2014 Review.

What mechanisms exist to amend the current CRT?

There are various options that may be used to modify the continued cooperation between Canada and the U.S., in relation to Columbia River flows and the physical operation of the CRT reservoirs. The options available are dependent on the objectives of the parties, but changes can potentially be achieved through modifications to CRT operating plans (e.g., Assured Operating Plans, Detailed Operating Plans, Flood Control Operating Plans), supplemental operating agreements by the CRT Operating Committee, entity agreements or commercial agreements between the operators of the CRT facilities (e.g., Non-Treaty Storage Agreement). If, however, there is a substantial departure from the terms of the CRT, then other more formal mechanisms may be required, such as an executive agreement (e.g., an exchange of notes or a protocol), another type of agreement between Canada and the U.S., or an amendment to the CRT.



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